

Roberts School District #5 Board Policies



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**ROBERTS SCHOOL DISTRICT
THE BOARD OF TRUSTEES
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1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

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1000

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4
5 Legal Status, Operation and Organization

6
7 The legal name of this District is Roberts School District No. 5, Carbon County, State of Montana.
8 The District is classified as a class 3 district and is operated according to the laws and administrative
9 rules pertaining to a class 3 district.

10
11 The Board of Trustees of Roberts School District No. 5 is the governmental entity established by the
12 state of Montana and constitutionally charged of the supervision and control of all aspects of the
13 District's operations.

14
15 To achieve its primary goal of providing each child with a basic system of free quality education as
16 required by Montana Law, the Board shall exercise the full authority granted to it by the laws of the
17 state. Its legal powers, duties, and responsibilities are derived from the Montana Constitution and
18 state statutes and administrative rules.

19
20 Policies of the District define and frame the manner via which the District conducts its official
21 business. The policies of the District are modified/updated from time to time to reflect the operation
22 of the District.

23
24 All handbooks approved by the Board are regarded as and given the same significance as District
25 policy.

26
27
28

29 Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-6-101, MCA	Definition of elementary and high school districts
	§ 20-6-201, MCA	Elementary district classification
	§ 20-6-301, MCA	High school district classification
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review

30
31
32
33
34
35
36
37
38 Article X, Section 8, MT Constitution

39
40 Policy History:

41 Adopted on: 3/9/2010

42 Reviewed on: 11/10/2015

43 Revised on: 6/15/2022

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

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1105

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4 Membership and Terms of Office
5

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

11
12 All trustees shall participate on an equal basis with other members in all business transactions
13 pertaining to the high school maintained by the District. Only those trustees elected from the
14 elementary district may participate in business transactions pertaining to the elementary schools
15 maintained by the District.
16

17

18 Legal References:	§ 20-3-301, MCA	Election and term of office
19	§ 20-3-302, MCA	Legislative intent to elect less than majority of 20 trustees
21	§ 20-3-305, MCA	Candidate qualification, filing deadline, and 22 withdrawal
23	§ 20-3-306, MCA	Conduct of election
24	§ 20-3-307, MCA	Qualification and oath
25	§ 20-3-341, MCA	Number of trustee positions in elementary districts 26 – transition
27	§ 20-3-351, MCA	Number of trustee positions in high school districts
28	§ 20-3-352, MCA	Request and determination of number of high 29 school district additional trustee positions – 30 nonvoting trustee
31	§ 20-3-361, MCA	Joint board of trustees organization and voting 32 membership

33 Policy History:

34 Adopted on: 3/9/2010

35 Reviewed on: 11/10/2015

36 Revised on: 6/15/2022

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

1113

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5 Vacancies

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

- 9
10 1. Death of the trustee;
11 2. The effective date stipulated in the written resignation of the trustee filed with the Clerk;
12 3. Trustee moves out of the nominating district, establishing residence elsewhere;
13 4. Trustee is no longer a registered elector of the District under the provisions of § 20-
14 20301, MCA;
15 5. Trustee is absent from the District for sixty (60) consecutive days;
16 6. Trustee fails to attend three (3) consecutive meetings of the trustees without good excuse;
17 7. Trustee has been removed under the provisions of § 20-3-310, MCA; or
18 8. Trustee ceases to have the capacity to hold office under any other provision of law.
19 9. A trustee position also shall be vacant when an elected candidate fails to qualify.
20

21 When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill
22 such vacancy by appointment. The Board will receive applications from any qualified persons
23 seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate
24 to fill the position.
25

26 Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the
27 county superintendent shall appoint, in writing, a competent person to fill such vacancy. An
28 appointee shall qualify by completing and filing an oath of office with the county superintendent
29 within fifteen (15) days after receiving notice of the appointment and shall serve until the next
30 regularly scheduled school election and a successor has qualified.
31

32 Cross Reference: 1240 Duties of Individual Trustees
33

34 Legal References: § 2-16-501 (3), MCA Vacancies create
35 § 20-3-308, MCA Vacancy of trustee position
36 § 20-3-309, MCA Filling vacated trustee position –appointee
37 qualification and term of office

38 Policy History:

39 Adopted on: 7/19/2022

40 Reviewed on:

41 Revised on:
42

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**
3 Vacancies

1113P

4
5 When a vacancy occurs on the Board, it is in the best interest of the District to encourage as
6 many able citizens as possible to consider becoming a trustee. To that end, the following
7 procedures shall be used to identify and appoint citizens to fill Board vacancies:

- 8
9 1. Announcement of the vacancy and the procedure for filling it shall be made in the
10 general news media as well as District publications to patrons.
11
12 2. All citizens shall be invited to nominate candidates for the position, provided that the
13 nominees shall be residents of the District. A letter of application will be required of
14 interested candidates.
15
16 3. The Board shall individually interview the finalists in a regular or special meeting and
17 appoint the candidate who, in the judgment of the Board, is most likely to contribute to
18 the growth and development of the District's education programs and operations. All
19 trustees shall vote on the candidate of their choice.
20
21 4. If no one (1) candidate receives a majority of the votes, the Board may:
22 a. Discuss all candidates and vote again;
23 b. Discuss all candidates and vote only on those candidates with the most votes; or
24 c. Continue voting until one (1) candidate receives a majority vote.
25
26 5. The Board Clerk shall prepare, for the signatures of all trustees, a letter thanking all
27 candidates for the position and commending them for their interest in the District.
28
29

30 Policy History:

31 Adopted on: 7/19/2022

32 Reviewed on:

33 Revised on:

3
4 Duties of Individual Trustees

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

11
12 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be
13 prepared to participate in discussion and decision making for each agenda item. Each trustee
14 shall visit every school (except in 1st class districts) at least once per year to examine its
15 management, conditions, and needs.

16
17 All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall
18 give advance notice to the Chairperson or Superintendent, of the trustee's inability to attend a
19 Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if
20 requested to do so.

21
22 **Board members, as individuals, have no authority over school affairs, except as provided**
23 **by law or as authorized by the Board.**

24
25 Cross Reference: 1113 Vacancies

26
27 Legal References: § 20-3-301, MCA Election and term of office
28 § 20-3-308, MCA Vacancy of trustee position
29 § 20-3-324 (22), MCA Powers and duties
30 § 20-3-332, MCA Personal immunity and liability of trustees

31
32 Policy History:

33 Adopted on: 3/9/2010

34 Reviewed on:

35 Revised on: 12/8/2015, 6/15/2022

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

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1310

3
4 District Policy and Procedures

5 The policies contained in this manual are adopted, implemented, and enforced in accordance with the
6 supervisory authority vested with the Board of Trustees in accordance with Article X, section 8 of the
7 Montana Constitution and related statutes, regulations and court decisions.

8
9 Adoption and Amendment of Policies

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

18
19 All new or amended policies shall become effective on adoption, unless a specific effective date is stated
20 in the motion for adoption.

21
22 Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was
23 taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed
24 on a regular basis.

25
26 Policy Manuals

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

30
31 Suspension of Policies

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

36
37 Administrative Procedures

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

40
41 When a written procedure is developed, the Superintendent shall submit it to the Board as an information
42 item.

43 Legal References: § 20-3-323, MCA District policy and record of acts
44 10.55.701, ARM Board of Trustees

45 Policy History:

46 Adopted on: 3/9/2010

47 Reviewed on: 11/10/2015

48 Revised on: 6/15/2022

3
4 Authorization of Signatures

5
6 For the conduct of the business of the District, the Board may grant authority to specific staff to
7 sign certain documents on behalf of the District. The Chairperson and Clerk are authorized to
8 use a facsimile signature plate or stamp.

9
10 Warrants: The Chairperson and Clerk are authorized to sign all District warrants by facsimile
11 signature on behalf of the Board.

12
13 Claim Forms: Staff employed by the District in the following designated positions are
14 authorized to certify voucher or invoice claims against or for the District:

15
16 Checks: The school principal is designated as the custodian of each school building
17 extracurricular fund account. The Superintendent is designated as the custodian of all District
18 petty cash accounts. Staff employed by the District in the following designated positions are
19 authorized to sign, on behalf of the Board, checks drawn on any specific petty cash account:

20
21 Contracts for Goods and Services and Leases: The Superintendent is authorized to sign, on
22 behalf of the Board, contracts, leases, and/or contracts for goods and services for amounts under
23 \$3000 without prior approval of the Board. The types of goods and services contracted for must
24 be preapproved by the Board.

25
26 Personnel Contracts: The Board Chairperson and Clerk are authorized to sign personnel
27 contracts and agreements of employment on behalf of the Board, by facsimile signature.

28
29 Negotiated Agreements: Negotiated agreements shall be signed for the District by the Board
30 Chairperson and the Clerk.

31
32 Policy History:

33 Adopted on: 7/19/2022

34 Reviewed on:

35 Revised on:

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

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3
4
5 Board Meetings
6

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

11
12 Regular Meetings
13

14 Unless otherwise specified, all meetings will take place in the School Library. Regular meetings
15 shall take place at 6 p.m. on the third Wednesday of each month, or at other times and places
16 determined by a majority vote. Except for an unforeseen emergency, meetings must be held in
17 school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building
18 located within the District. If regular meetings are scheduled at places other than as stated above
19 or are adjourned to times other than the regular meeting time, notice of the meeting shall be made
20 in the same manner as provided for special meetings. The trustees may meet outside the
21 boundaries of the District for collaboration or cooperation on educational issues with other school
22 boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an
23 agenda, must be provided to the public in advance. Decision making may only occur at a properly
24 noticed meeting held within the District’s boundaries. When a meeting date falls on a school
25 holiday, the meeting may take place the next business day.

26
27 Emergency Meetings
28

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

31
32 Budget Meetings
33

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

40
41 On the date and at the time and place stated in the published notice (on or before August 20),
42 trustees shall meet to consider all budget information and any attachments required by law. The
43

meeting may continue from day to day; however, the Board must adopt a final budget not later than August 25.

Special Meetings

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

Closed Sessions

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

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

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/14/2015, 6/15/2022

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

3
4 Records Available to Public

5
6 All District records, except those restricted by state and federal law, shall be available to citizens for
7 inspection at the Clerk’s office.

8
9 Any individual may request public information from the district. The district shall make the means of
10 requesting public information accessible to all persons.

11
12 Upon receiving a request for public information, the district shall respond in a timely manner to the
13 requesting person by:

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

17
18 The district may charge a fee for fulfilling a public information request. The fee may not exceed the actual
19 costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The
20 fee must be documented. The fee may include the time required to gather public information. The district
21 may require the requesting person to pay the estimated fee prior to identifying and gathering the requested
22 public information.

23
24 The district is not required to alter or customize public information to provide it in a form specified to
25 meet the needs of the requesting person. If the district agrees to a request to customize a records request
26 response, the cost of the customization may be included in the fees charged by the district.

27
28 In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to
29 public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies
30 will be available within a reasonable amount of time following a request.

31
32 A written copy of Board minutes shall be available to the general public within five (5) working days
33 following approval of the minutes by the Board. If requested, one (1) free copy of minutes shall be
34 provided to local media within five (5) working days following approval by the Board.

35
36 Legal References: § 2-6-1003, MCA Access to Public Information
37 § 2-6-1006, MCA Public Information requests-fees
38 § 20-3-323, MCA District policy an record of acts
39 § 20-9-213, MCA Duties of trustees

40 Policy History:

41 Adopted on: 7/19/2022

42 Reviewed on:

43 Revised on:

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

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5 School Board Meeting Procedure

6 Agenda

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

10
11 Any topics requested by Board members or members of the public must first be approved by the
12 Board Chair before being placed on the agenda. Citizens wishing to make brief comments about
13 school programs or procedures will follow the public comment procedures in district policy.

14
15 The agenda also must include a “public comment” portion to allow members of the general public to
16 comment on any public matter under the jurisdiction of the District which is not specifically listed on
17 the agenda, except that no member of the public will be allowed to comment on contested cases,
18 other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable
19 time limits on any “public comment” period to maintain and ensure effective and efficient operations
20 of the Board. The Board shall not take any action on any matter discussed, unless the matter is
21 specifically noticed on the agenda, and the public has been allowed opportunity to comment.

22
23 Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and
24 relevant supplementary information will be prepared and distributed to each trustee at least forty-
25 eight (48) hours in advance of a Board meeting and will be available to any interested citizen at the
26 Superintendent’s office forty-eight (48) hours before a Board meeting. An agenda for other types of
27 Board meetings will be prepared if circumstances require an agenda.

28
29 Consent Agenda

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

36
37 Minutes

38 Appropriate minutes of all meetings required to be open must be kept and must be available for
39 inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as
40 official, the recording constitutes the office record of the meeting. If an official recording is made, a
41 written record of the meeting must also be made and must also include:

- 42 • Date, time, and place of the meeting;
43 • Presiding officer;
44 • Board members recorded as absent or present;

- Summary of discussion on all matters discussed (including those matters discussed during the “public comment” section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

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

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

Quorum

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

Electronic Participation

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

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

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

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Meeting Conduct and Order of Business

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

Rescind a Motion

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

Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation – governor to ensure guidelines adopted
§ 2-3-202, MCA Meeting defined
§ 20-1-212, MCA Minutes of meetings – public inspection
§ 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: 3/9/2010
Reviewed on: 1/19/2016
Revised on: 6/15/2022

3
4 Notice Regarding Public Comment

5
6 Montana law requires school districts and other public agencies to include on the agenda for
7 public meetings an item allowing public comment on any public matter not otherwise specifically
8 listed on the agenda that is within the jurisdiction of the agency. The public comment portion of
9 the agenda is not the time designated to hear items that are specifically listed/identified on the
10 agenda.

11
12 For those individuals who desire to address the Board during the public comment portion of the
13 meeting, if you haven't already done so, please sign your name to the sheet and indicate the
14 general topic on which you will be commenting. The Board Chairperson will call individuals to
15 speak in the order listed on the sheet provided. Please state your name prior to beginning your
16 comment. There will be an opportunity for citizens who have not signed in to comment at the
17 conclusion of the comment period. The Board would like to remind everyone in attendance to
18 avoid violations of individual rights of privacy when providing comment. The Board is not
19 authorized to hear comments on contested cases or other adjudicative proceedings.

20
21 By law, the District cannot take any action on any matter discussed during the public comment
22 portion of the meeting as those matters are not specifically noticed on the agenda. The Board may
23 take a matter raised during the public comment period under consideration for inclusion on a
24 future agenda.

25
26 In accordance with Montana law, citizens have the right to comment on an item that is
27 specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for
28 discussion and action. The board chair will indicate when the public has the opportunity to
29 comment prior to board action on a particular agenda item.

30
31 The Board Chair has the authority to manage all public comment periods and will do so in
32 accordance with state law and district policy.

33
34 Policy History:

35 Adopted on: 7/19/2022

36 Reviewed on:

37 Revised on:

3
4 Audience Participation

5
6 The Board recognizes the value of public comment on educational issues and the importance of
7 involving members of the public in its meetings. The Board also recognizes the statutory and
8 constitutional rights of the public to participate in governmental operations. To allow fair and
9 orderly expression of public comments, the Board will permit public participation through oral or
10 written comments during the “public comment” section of the Board agenda and prior to a final
11 decision on a matter of significant interest to the public. The Chairperson may control such
12 comment to ensure an orderly progression of the meeting in the manner described in Policy
13 1420F.

14
15 Cross Reference: 1420 School Board Meeting Procedure

16
17 Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
18 Article II, Section 10, Montana Constitution – Right of privacy
19 Chapter 2, Part 1, MCA Notice and Opportunity to Be Heard

20
21
22 Policy History:

23
24 Adopted on: 7/19/2022

25 Reviewed on:

26 Revised on:

1 **Roberts School District**

2 **THE BOARD OF TRUSTEES**

1511

3
4 Code of Ethics for School Board Members

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

7
8 Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the
9 issues to be considered at those meetings;

10
11 Recognize that I should endeavor to make policy decisions only after full discussion at public Board
12 meetings;

13
14 Make all decisions based on available facts and my independent judgment and refuse to surrender that
15 judgment to individuals or special interest groups;

16
17 Encourage the free expression of opinion by all Board members and seek systematic communications
18 between the Board and students, staff, and all elements of the community;

19
20 Work with other Board members to establish effective Board policies and to delegate authority for
21 administration to the Superintendent;

22
23 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

24
25 Communicate to the Superintendent expression of public reaction to Board policies, school programs, or
26 staff;

27
28 Inform myself about current educational issues, by individual study and through participation in programs
29 providing needed information, such as those sponsored by the Montana School Boards Associations;

30
31 Support the employment of those persons best qualified to serve as school staff and insist on regular and
32 impartial evaluation of staff;

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

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

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

42
43 Policy History:

44 Adopted on: 7/19/2022

45 Reviewed on:

46 Revised on:

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

1512F

3
4 Relationships Defined and Chart
5 Definitions

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

9 **Consanguinity** is a relationship by blood relation. Relationship by consanguinity is
10 confirmed by being descended from the same ancestor. Kinship determined by
11 consanguinity may not be terminated.

12
13 Degrees of Consanguinity

14				
15	Trustee 1 st Degree	2 nd Degree	3 rd Degree	4 th Degree
16	Parent	Sibling	Great Grandparent	GG Grandparent
17	Child	Grandparent	Great Grandchild	GG Grandchild
18	Cousin	Grandchild	Niece/Nephew	Great Uncle/Aunt
19			Aunt/Uncle	2 nd Cousin
20				Grand Nephew/Niece
21				
22	5 th Degree		6 th Degree	7 th Degree
23	Child of GG Uncle/Aunt		Child of Great Uncle/Aunt	Grandchild of GG Uncle/Aunt
24	1 st Cousin once removed		1 st Cousin twice removed	2 nd Cousin once removed
25	Great Grand Nephew/Niece			
26				
27	8 th Degree			
28	3 rd Cousin			
29				

30 Degrees of Affinity

31			
32	Trustee 1 st Degree	2 nd Degree	3 rd Degree
33	Father/Mother in Law	Grandparent in Law	Great Grandparent in Law
34	Step Parent	Step Grandparent	Step Great Grandparent
35	Spouse	Sibling in Law	Uncle/Aunt in Law
36	Step Child	Step Sibling	Step Uncle/Aun
37	Son/Daughter in Law	Step Grandchild	Niece/Nephew in Law
38		Grandchild in Law	Step Niece/Nephew
39			Step Great Grandchild or
40			Great Grandchild-in-law
41			

42 Policy History:

43 Adopted on: 7/19/2022

44 Reviewed on:

45 Revised on:

3
4 Management Rights

5
6 The Board retains the right to operate and manage its affairs in such areas as but not limited to:

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

24
25 The Board reserves all other rights, statutory and inherent, as provided by state law.
26

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

30 Cross Reference: 6110 Superintendent
31

32 Legal Reference: § 20-3-324, MCA Powers and duties
33 § 39-31-303, MCA Management rights of public employers
34 *Bonner Schools District No. 14 v. Bonner Education Association*
35 *MEA-MFT, NEA, AFT, AFL-CIO, (2008), 2008 MT 9*
36

37 Policy History:

38 Adopted on: 3/9/2010

39 Reviewed on: 6/15/2022

40 Revised on:

3
4 Board/Staff Communications

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

8
9 Staff Communications to the Board

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

17
18 Board Communications to Staff

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

22
23 Visits to Schools

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

30
31 Social Interaction

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

36
37 Legal Reference: § 20-3-324(21), MCA Powers and duties
38 § 2-3-103, MCA Public Participation

39 Policy History:

40 Adopted on: 7/19/2022

41 Reviewed on:

42 Revised on:

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

R
1521

3
4 Board-Superintendent Relationship

5
6 The Board-Superintendent relationship is based on mutual respect for their complementary roles.
7 The relationship requires clear communication of expectations regarding the duties and
8 responsibilities of both the Board and the Superintendent.

9
10 The Board hires, evaluates, and seeks the recommendations of the Superintendent as the District
11 chief executive officer. The Board adopts policies necessary to provide the general direction for
12 the District and to encourage achievement of District goals. The Superintendent develops plans,
13 programs, and procedures needed to implement the policies and directs the District's day-to-day
14 operations.

15
16 Cross Reference: 6110 Superintendent

17
18 Legal Reference: § 20-4-401, MCA Appointment and dismissal of district
19 superintendent or county high school principal
20 § 20-4-402, MCA Duties of district superintendent or county high
21 school principal
22

23 Policy History:

24 Adopted on: 3/9/2010

25 Reviewed on: 6/15/2022

26 Revised on:

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

3 Trustee Expenses

4
5 Expenses for Board Members - In-District

6
7 The members of the trustees of any district may not receive compensation for their services as trustees.

8
9 The members of the trustees who reside over 3 miles from the trustees' meeting place must be reimbursed at the
10 rate as provided in 2-18-503 for every mile necessarily traveled between their residence and the meeting place
11 and return in attending the regular and special meetings of the trustees, and all trustees must be similarly
12 reimbursed for meetings called by the county superintendent. The travel reimbursement may be accumulated
13 during the school fiscal year and paid at the end of the fiscal year, at the discretion of each trustee.

14
15 A trustee is entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States
16 internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional
17 miles traveled within a given calendar month.

18
19 A trustee must file a reimbursement for mileage form, prior to July 1 of each year, requesting reimbursement for
20 the fiscal year. The form may be obtained from the District Clerk/Business Manager.

21
22 Expenses for Board Members at Out-of-District Meetings

23
24 Trustees normally attend workshops, training institutes, and conferences at both the state and national
25 levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings, at established
26 rates for reimbursement set by the District:

- 27
28 1. Transportation as approved by the Board;
29 2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
30 3. Hotel or motel costs for trustee, as necessary;
31 4. Food costs as necessary;
32 5. Telephone services for necessary communications with business or family, resulting from the 3
33 trustee being away from Roberts Schools;
34 6. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance
35 at a meeting; however, the District will not reimburse or pay for such items as liquor, expenses
36 of a spouse, separate entertainment, or other unnecessary expenditures.

37
38 Cross Reference: 7336 Travel Allowances and Expenses
39 1531F Mileage reimbursement form

40
41 Legal Reference: §2-18-503, MCA Mileage - allowance
42 §20-3-311, MCA Trustee reimbursement and compensation of
43 secretary for joint board.

44 Policy History:

45 Adopted on: 7/19/2022

46 Reviewed on:

47 Revised on:

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ROBERTS SCHOOL DISTRICT

TRUSTEE MILEAGE REIMBURSEMENT FORM

1531F

A trustee, who resides over 3 miles from the trustees' meeting place, is entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month for every mile necessarily traveled between their residence and the meeting place and return in attending the regular and special meetings of the trustees.

Year:

July 1, 20 _____ to June 30, 20 _____

I, _____, Trustee of the Roberts School District, hereby request mileage reimbursement for attending regular and special meetings of the Board of Trustees.

I understand the District Clerk/Business Manager will keep a log of the regular and special meetings I attend throughout the school year and reimburse me as provided in 2-18-503, MCA.

I understand I will be reimbursed _____ in January and June

_____ in June

Trustee

Date

1 **Roberts School District**
2 **THE BOARD OF TRUSTEES**

R
1610

3
4 Annual Goals and Objectives

5
6 Each year, the Board will formulate or review the goals of the District that reflect the district's
7 strategic plan of education. At the conclusion of each school year, the Superintendent shall
8 report to the Board information which reflects the accomplishments towards the goals of the
9 District.

10
11 The Chairperson may appoint a committee of the Board, to include the Superintendent to
12 annually review the goals and report to the Board.

13
14 Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

15
16 Legal Reference: 10.55.701(2)(a), ARM Board of Trustees

17
18 Policy History:

19 Adopted on: 3/9/2010

20 Reviewed on: 6/15/2022

21 Revised on:

22

3
4 Uniform Complaint Procedure
5

6 The Board establishes this Uniform Complaint Procedure as a means to address complaints
7 arising within the District. This Uniform Complaint Procedure is intended to be used for all
8 complaints except those governed by a specific process in state or federal law that supersedes
9 this process or collective bargaining agreement. Matters covered by a collective bargaining
10 agreement will be reviewed in accordance with the terms of the applicable agreement.
11

12 The District requests all individuals to use this complaint procedure, when the individual
13 believes the Board or its employees or agents have violated the individual's rights under state or
14 federal law or Board policy. Complaints against a building administrator shall be filed with the
15 Superintendent. Complaints against the Superintendent or District administrator shall be filed
16 with the Board.
17

18 The District will endeavor to respond to and resolve complaints without resorting to this formal
19 complaint procedure and, when a complaint is filed, to address the complaint promptly and
20 equitably. The right of a person to prompt and equitable resolution of a complaint filed
21 hereunder will not be impaired by a person's pursuit of other remedies. Use of this complaint
22 procedure is not a prerequisite to pursue other remedies and use of this complaint procedure does
23 not extend any filing deadline related to pursuit of other remedies.
24

25 Deadlines requiring District action in this procedure may be extended for reasons related but not
26 limited to the District's retention of legal counsel and District investigatory procedures.
27

28 Level 1: Informal
29

30 An individual with a complaint is first encouraged to discuss it with the appropriate employee or
31 building administrator with the objective of resolving the matter promptly and informally. An
32 exception is that a complaint of sexual harassment should be discussed directly with an
33 administrator not involved in the alleged harassment.
34

35 Level 2: Building Administrator

36 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
37 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
38 or incident giving rise to the complaint, including any school personnel involved; and (3) the
39 remedy or resolution requested. The written complaint must be filed within thirty (30) calendar
40 days of the event or incident or from the date an individual could reasonably become aware of
41 such event or incident. The applicability of the deadline is subject to review by the
42 Superintendent to ensure the intent of this uniform complaint procedure is honored.
43

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

1
2
3 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
4 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
5

6 If the complainant has reason to believe the administrator's decision was made in error, the
7 complainant may request, in writing, that the Superintendent review the administrator's
8 decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen
9 (15) calendar days of the administrator's decision.
10

11 When a complaint alleges sexual harassment or a violation of Title IX of the Education
12 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
13 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the
14 complaint over to the applicable District nondiscrimination coordinator. The coordinator shall
15 ensure an investigation is completed in accordance with the applicable procedure. In the case of
16 a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is
17 Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an
18 investigation and file a report and recommendation with the Administrator for decision. Appeal
19 of a decision in a disability complaint will be handled in accordance with this policy.
20

21 Level 3: Superintendent

22 If the complainant appeals the administrator's decision provided for in Level 2, the
23 Superintendent will review the complaint and the administrator's decision. The Superintendent
24 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's
25 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with
26 the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3)
27 engage an outside investigator or other District employees to assist with the appeal; and/or (4)
28 take other steps appropriate or helpful in resolving the complaint.
29

30 If the complainant has reason to believe the Superintendent's decision was made in error, the
31 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
32 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
33 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
34 transmission to the Board.
35

36 Level 4: The Board

37 Upon written appeal of a complaint alleging a violation the individual's rights under state or
38 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
39 may consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for
40 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
41 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
42 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
43 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
44

1
2
3 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
4 written recommendation to the full Board. The Board will report its decision on the appeal, in
5 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
6 considered the appeal or the recommendation of the panel. A decision of the Board is final,
7 unless it is appealed pursuant to Montana law within the period provided by law.

8
9 Cross Reference: 3210 - Equal Educational Opportunity and Nondiscrimination
10 5010 - Equal Employment Opportunity and Nondiscrimination
11 3225-3225P – Sexual Harassment of Students
12 5012-5012P – Sexual Harassment of Employees
13

14 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
15 Title II of the Americans with Disabilities Act of 1990
16 § 504 of the Rehabilitation Act of 1973
17
18

19 Policy History:

20 Adoption on: 3/9/2010

21 Revised on:

22 Revised on: 6/15/2022

25
26 Goals

27
28 The District's educational program will seek to provide an opportunity for each child to develop
29 to his or her maximum potential. The objectives for the educational program are:

30
31 To foster self-discovery, self-awareness, and self-discipline.

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

41
42 The administrative staff is responsible for apprising the Board of the educational program's
43 current and future status. The Superintendent should prepare an annual report that includes:

- 44
45 • A review and evaluation of the present curriculum;
- 46 • A projection of curriculum and resource needs;
- 47 • An evaluation of, and plan to eliminate, any sexual, cultural, ethnic, or religious bias that
48 may be present in the curriculum or instructional materials and methods; • A plan for
49 new or revised instructional program implementations; and
- 50 • A review of present and future facility needs.

51
52 Legal Reference: 10.55.701, ARM Board of Trustees

53
54 Policy History:

55 Adopted on: 3/9/2010

56 Reviewed on: 6/15/2022

57 Revised on:

3
4 Student Instruction
5

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

10
11 As outlined in District Policy 2100, and except for students determined by the School District to
12 be proficient using School District assessments, the adopted calendar has a minimum number of
13 720 aggregate instructional hours for students in kindergarten through third grade; 1,080 hours
14 for students in fourth through eleventh grade and 1,050 hours for students in twelfth grade.

15
16 The School District may satisfy the aggregate number of hours through any combination of
17 onsite, offsite, and online instruction. The District administration is directed to ensure that all
18 students are offered access to the complete range of educational programs and services for the
19 education program required by the accreditation standards adopted by the Montana Board of
20 Public Education.

21
22 For the purposes of this policy and the School District’s calculation of ANB and “aggregate
23 hours of instruction” within the meaning of that term in Montana law, the term “instruction”
24 shall be construed as being synonymous with and in support of the broader goals of “learning”
25 and full development of educational potential as set forth in Article X, section 1 of the Montana
26 Constitution. Instruction includes innovative teaching strategies that focus on student
27 engagement for the purposes of developing a students’ interests, passions, and strengths. The
28 term instruction shall include any directed, distributive, collaborative and/or experiential learning
29 activity provided, supervised, guided, facilitated, work based, or coordinated by the teacher of
30 record in a given course that is done purposely to achieve content proficiency and facilitate the
31 learning of, acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full
32 educational potential of each child.

33
34 Staff shall calculate the number of hours students have received instruction as defined in this
35 policy through a combined calculation of services received onsite at the school or services
36 provided or accessed at offsite or online instructional settings including, but not limited to, any
37 combination of physical instructional packets, virtual or electronic based course meetings and
38 assignments, self-directed or parent-assisted learning opportunities, and other educational efforts
39 undertaken by the staff and students that can be given for grade or credit. Staff shall report
40 completed hours of instruction as defined in this policy to the supervising teacher, building
41 principal, or district administrator for final calculation.

1
2
3 In order to comply with the requirements of the calendar, District Policy and Section 20-1-301,
4 MCA, the District shall implement the instructional schedules and methods identified in this
5 policy.

6 7 Offsite Instruction

8
9 The Board of Trustees authorizes offsite instruction of students in a manner that satisfies the
10 aggregate number of instructional hours outlined in the School District's adopted or revised
11 calendar for a school year. Offsite delivery methods shall include a complete range of
12 educational services offered by the School District and shall comply with the requirements of
13 applicable statutes. Students completing course work through an offsite instructional setting shall
14 be treated in and have their hours of instruction calculated in the same manner as students
15 attending an onsite institutional setting.

16
17 Offsite instruction is available to students:

- 18
19 1. meeting the residency requirements for that district as provided in 1-1-215;
20 2. living in the district and eligible for educational services under the Individuals With
21 Disabilities Education Act or under 29 U.S.C. 794; or
22 3. attending school in the district under a mandatory attendance agreement as provided in
23 20-5-321;
24 4. attending school in the nearest district offering offsite instruction that agrees to enroll the
25 student when the student's district of residence does not provide offsite instruction in an
26 equivalent course in which the student is enrolled. A course is not equivalent if the course
27 does not provide the same level of advantage on successful completion, including but not
28 limited to dual credit, advanced placement, and career certification. Attendance under
29 this provision is subject to approval of the Trustees.

30
31 The Board of Trustees authorizes the supervising teacher or district administrator to permit
32 students to utilize an offsite or online instructional setting at when circumstances require.

33 34 Proficiency-Based Learning

35
36 The Board of Trustees authorizes proficiency-based learning and ANB calculation in situations
37 when a student demonstrates proficiency in a course area as determined by the Board of Trustees
38 using District assessments consistent with District Policy 1005FE, or other measures approved
39 by the Board of Trustees.

40
41 The Board of Trustees waives the minimum number of instructional hours for students who
42 demonstrate proficiency in a course area using district assessments that include, but are not
43 limited to, the course or class teacher's determination of proficiency as defined by the Board of
44 Trustees. This determination shall be based on a review of the student's completed coursework,

1
2
3 participation in course delivery, and other methods applicable to the specific course or class. The
4 Board of Trustees authorizes the use of the proficiency determination process for students who
5 have selected this method of delivery, students for whom the School District is unable to
6 document satisfaction of the required minimum aggregate number of hours through the offsite or
7 onsite methods outlined in this policy, or other students whom School District personnel
8 determine satisfy the definition of proficient or meeting proficiency.
9

10 This provision is based in the declaration by the Montana Legislature that any regulation
11 discriminating against a student who has participated in proficiency-based learning is
12 inconsistent with the Montana Constitution.
13

14 **Legal Reference:** Article X, Section 1, Montana Constitution
15 Section 20-1-101, MCA – Definitions
16 Section 20-1-301, MCA – School Fiscal Year
17 Section 20-9-311, MCA – Calculation of Average Number Belonging
18 Section 20-7-118, MCA - Offsite Provision of Educational Services
19 Section 20-7-1601, MCA – Transformational Learning –Legislative
20 ARM 10.55.906(4) – High School Credit
21 **Cross Reference:** Policy 2100 – School Calendar
22 Policy 2168 – Distance Learning
23 Policy 2410 – Graduation
24 Policy 2420 – Grading and Progress Reports
25

26 **Policy History:**

27 Adopted on: 7/19/2022

28 Reviewed on:

29 Revised on:
30

3
4 School Year Calendar and Day

5
6 School Calendar

7
8 Subject to §§ 20-1-301 and 20-1-308, MCA, and any applicable collective bargaining agreement
9 covering the employment of affected employees, the trustees of a school district shall set the
10 number of hours in a school term, the length of the school day, and the number of school days in
11 a school week. When proposing to adopt changes to a previously adopted school term, school
12 week, or school day, the trustees shall:

- 13 (a) negotiate the changes with the recognized collective bargaining unit representing the
- 14 employees affected by the changes;
- 15 (b) solicit input from the employees affected by the changes but not represented by a
- 16 collective bargaining agreement;
- 17 (c) and from the people who live within the boundaries of the school district.

18
19 Commemorative Holidays

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

24
25 Saturday School

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

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

34
35 School Fiscal Year

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

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

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

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

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

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

14 15 Extended School Year

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

25 Legal References:	§ 20-1-301, MCA	School fiscal year
26	§ 20-1-302, MCA	School term, day and week
27	§ 20-1-303, MCA	Conduct of School on Saturday or 28 Sunday prohibited - exceptions
29	§ 20-1-304, MCA	Pupil-instruction-related day
30	§ 20-1-306, MCA	Commemorative exercises on certain days
31	§ 20-9-311, MCA	Calculation of Annual Number Belonging (ANB)
32	ARM 10.55.701	Board of Trustees
33	ARM 10.65.101, 103	Pupil-Instruction-Related Days
34	ARM 10.55.714	Professional Development
35	ARM 10.55.906	High School Credit

36 Policy History:

37 Adopted on: 3/9/2010

38 Reviewed on:

39 Revised on: 6/15/2022

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Roberts School District
INSTRUCTION

R
2105

Grade Organization

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

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

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

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

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

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 6/15/2022

2 **INSTRUCTION**

3
4 Pre-Kindergarten Programs

5
6 The District may establish a pre-kindergarten program based on the premise that the District’s
7 teachers, support staff, and physical facilities can offer a quality of experiences that cannot be
8 provided by area nursery schools. If it is not possible for the District to provide such a program
9 for all four-(4)-year-old children in the District, those children in greatest need will be sought
10 and identified.

11
12 The objectives of the program are to:

- 13
- 14 1. Identify children with incipient problems of a social, emotional, and/or physical nature,
- 15 regardless of whether they are related to maturational development;
- 16
- 17 2. Provide an educational experience which will ameliorate or eliminate these problems at
- 18 an early age, thereby deterring adjustment and/or learning problems from developing in
- 19 subsequent years;
- 20
- 21 3. Identify children who do not have facility in the English language and provide
- 22 experiences that enhance and accelerate development of such a facility;
- 23
- 24 4. Identify children who would not otherwise attend a nursery school prior to entering
- 25 public school and provide them with equal learning opportunities;
- 26
- 27 5. Provide experiences for parents of these children, through a volunteer aide program
- 28 whereby they can become oriented to the task of the school and how their role as parents
- 29 might relate to the task as it affects their children; and
- 30
- 31 6. Provide learning experiences in early childhood education and child care for high school
- 32 students, through cooperative arrangements with the District high school.
- 33

34 Legal Reference: § 20-7-117, MCA Kindergarten and preschool programs

35 Policy History:

36 Adopted on: 7/19/2022

37 Reviewed on:

38 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

R
2120

3
4 Curriculum and Assessment
5

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

10
11 A written sequential curriculum will be developed for each subject area. The curricula will address
12 learner goals, content and program area performance standards, and District education goals and will be
13 constructed to include such parts of education as content, skills, and thinking. The District shall review
14 curricula at least every five (5) years or consistent with the state’s standards revision schedule, and
15 modify, as needed, to meet educational goals of the continuous school improvement plan pursuant to
16 ARM 10.55.601.

17
18 The staff and administration will suggest materials and resources, to include supplies, books, materials,
19 and equipment necessary for development and implementation of the curriculum and assessment, which
20 are consistent with goals of the education program.

21
22 The District shall maintain their programs consistent with the state’s schedule for revising standards.

23
24 The District shall assess the progress of all students toward achieving content standards and
25 contentspecific grade-level learning progressions in each program area. The District shall use assessment
26 results, including state-level achievement information obtained by administration of assessments pursuant
27 to ARM 10.56.101 to examine the educational program and measure its effectiveness. The District shall
28 use appropriate multiple measures and methods, including state-level achievement information obtained
29 by administration of assessments pursuant to the requirements of ARM 10.56.101, to assess student
30 progress in achieving content standards and content-specific grade-level learning progressions in all
31 program areas. The examination of program effectiveness using assessment results shall be supplemented
32 with information about graduates and other student’s no longer in attendance.

33
34 Cross Reference: 2000 Goals

35
36 Legal Reference: § 20-3-324, MCA Powers and duties
37 § 20-4-402, MCA Duties of district superintendent or county high school
38 principal
39 § 20-7-602, MCA Textbook selection and adoption
40 10.55.603, ARM Curriculum and Assessment

41 Policy History:

42 Adopted on: 3/9/2012

43 Reviewed on:

44 Revised on: 6/15/2022

3
4 Student and Family Privacy Rights

5
6 Surveys - General

7
8 All surveys requesting personal information from students, as well as any other instrument used
9 to collect personal information from students, must advance or relate to the District's educational
10 objectives as identified in Board Policy. This applies to all surveys, regardless of whether the
11 student answering the questions can be identified and regardless of who created the survey.

12
13 Surveys Created by a Third Party

14
15 Before the District administers or distributes a survey created by a third party to a student, the
16 student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time
17 of their request.

18
19 This section applies to every survey: (1) that is created by a person or entity other than a District
20 official, staff member, or student, (2) regardless of whether the student answering the questions
21 can be identified, and (3) regardless of the subject matter of the questions.

22
23 Surveys Requesting Personal Information

24
25 School officials and staff members shall not request, nor disclose, the identity of any student who
26 completes ANY survey containing one (1) or more of the following items:

- 27
- 28 1. Political affiliations or beliefs of the student or the student's parent/guardian;
 - 29 2. Mental or psychological problems of the student or the student's family;
 - 30 3. Behavior or attitudes about sex;
 - 31 4. Illegal, antisocial, self-incriminating, or demeaning behavior;
 - 32 5. Critical appraisals of other individuals with whom students have close family
33 relationships;
 - 34 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
35 physicians, and ministers;
 - 36 7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
 - 37 8. Income (other than that required by law to determine eligibility for participation in a
38 program or for receiving financial assistance under such program).
39 The student's parent(s)/guardian(s) may:
 - 40 9. Inspect the survey within a reasonable time of the request; and/or
 - 41 10. Refuse to allow their child to participate in any survey requesting personal information.
42 The school shall not penalize any student whose parent(s)/guardian(s) exercise this
43 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 or designee shall notify students' parents/guardians of:

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

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- 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.

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

Policy History:

Adopted on: 3/9/2010

Reviewed on: 6/15/2022

Revised on:

3 Suicide Awareness and Prevention

4
5 Professional Development

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

9
10 The District will provide, at a minimum, two (2) hours of youth suicide awareness and
11 prevention training every five (5) years. All new employees who work directly with any student
12 enrolled in the school district will be provided two (2) hours of training the first year of
13 employment.

14 Youth suicide and prevention training may include:

15 In-person attendance at a live training;

- 16 A. Videoconference;
- 17 B. An individual program of study of designated materials;
- 18 C. Self-review modules available online; and
- 19 D. Any other method chosen by the local school board that is consistent with professional
- 20 development standards.

21 Prevention and Response

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

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

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

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

39 Policy History:

40 Adopted on: 7/19/2022

41 Reviewed on:

42 Revised on:

3
4 Family Engagement Policy
5

6 The Roberts School District Board of Trustees believes that engaging parents/families in the
7 education process is essential to improved academic success for students. The Board recognizes
8 that a student's education is a responsibility shared by the district, parents, families and other
9 members of the community during the entire time a student attends school. The Board believes
10 that the district must create an environment that is conducive to learning and that strong,
11 comprehensive parent/family involvement is an important component. Parent/Family involvement
12 in education requires a cooperative effort with roles for the Office of Public Instruction (OPI), the
13 district, parents/families and the community.
14

15 Parent/Family Involvement Goals and Plan
16

17 The Board of Trustees recognizes the importance of eliminating barriers that impede parent/family
18 involvement, thereby facilitating an environment that encourages collaboration with parents,
19 families and other members of the community. Therefore, the district will develop and implement
20 a plan to facilitate parent/family involvement that shall include the following six (6) goals:
21

- 22 1. Promote families to actively participate in the life of the school and feel welcomed, valued,
23 and connected to each other, to school staff, and to what students are learning and doing in
24 class;
- 25 2. Promote families and school staff to engage in regular, two-way meaningful
26 communication about student learning;
- 27 3. Promote families and school staff to continuously collaborate to support student learning
28 and healthy development both at home and at school and have regular opportunities to
29 strengthen their knowledge and skills to do so effectively;
- 30 4. Empower parents to be advocates for their own and other children, to ensure that students
31 are treated equitably and have access to learning opportunities that will support their
32 success;
- 33 5. Encourage families and school staff to be partners in decisions that affect children and
34 families and together inform, influence, and create policies, practices, and programs; and
- 35 6. Encourage families and school staff to collaborate with members of the community to
36 connect students, families, and staff to expand learning opportunities, community services,
37 and civic participation.
38

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

- 40 1. Provide activities that will educate parents regarding the intellectual and developmental
41 needs of their children at all age levels. This will include promoting cooperation between
42 the district and other agencies or school/community groups (such as parent-teacher
43 groups, Head Start, etc.) to furnish learning opportunities and disseminate information
44 regarding parenting skills and child/adolescent development.
- 45 2. Implement strategies to involve parents/families in the educational process, including:

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- a. Keeping parents/families informed of opportunities for involvement and encouraging 16 participation in various programs.
 - b. Providing access to educational resources for parents/families to use together with their children.
 - c. Keeping parents/families informed of the objectives of district educational programs as 22 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 29 understanding of effective parent/family involvement strategies.
 - 5. Perform regular evaluations of parent/family involvement at each school and at the 32 district level.
 - 6. Provide access, upon request, to any instructional material used as part of the educational curriculum.
 - 7. If practical, provide information in a language understandable to parents.

Legal Reference: 10.55.701(2)(m) Board of Trustees

Policy History:
Adopted on: 7/19/2022
Reviewed on:
Revised on:

3 Intervention

4 The Roberts School District recognizes that the provision of academic and behavioral supports and
5 targeted interventions for students who expected levels in the general curriculum are not making
6 academic progress at expected levels in the general curriculum may improve a student’s performance,
7 and help avert the need for referral for possible classification as a student with a disability.

8 Therefore, the district will implement on a school-wide basis practices appropriate to enable all of the
9 district’s students to succeed in the general education environment. The superintendent will identify
10 and take steps to implement a variety of practices appropriate to comply with the policy. Consistent
11 with applicable law and regulation, those practices may include, for example: 15

12 1. Providing early intervention services with funds available under the IDEA and which may
13 be coordinated with similar activities under the Elementary and Secondary Education Act.
14 Such services would be made available to students not currently identified as needing special
15 education and relative services, but who need additional support to succeed in a general
16 education setting. This may include professional development that enables teachers and other
17 staff to deliver scientifically based academic instruction and behavioral evaluations, services,
18 and supports.

19
20 2. Implementation of a response to intervention (RTI) program that includes the minimum
21 requirements established by commissioner’s regulations, and allows teachers and other staff to
22 determine whether a student responds to scientific, research-based instruction or requires
23 interventions beyond those provided to all students in the general education classroom.

24
25 3. Implementation of a positive behavioral intervention and support (PBIS) system that
26 reduces school and classroom behavioral problems, and creates and maintains a safe and
27 positive learning environment by promoting positive behavior in all students.

28
29 District implementation of any of the above practices will not impede or delay the appropriate
30 evaluation of a student suspected of having a disability, and the student’s right to a free appropriate
31 public education.

32
33 **Legal References:** Individuals with Disabilities Education Act
34 CFR 300.226; 34 300.307(a)(2) and 20 U.S.C. 1413(f); 1414(b)(6)(B)

35
36 Policy History:
37 Adopted on: 4/8/2009
38 Reviewed on: 6/15/2022
39 Revised on:

40
41 School specific policy (not MTSBA)

4 Title I Parent and Family Engagement

5
6 The District endorses the parent and family engagement goals of Title I and encourages the regular
7 participation of parents and family members (including parents and families of migrant students if
8 applicable) of Title I eligible children in all aspects of the program to establish the agency’s
9 expectations and objectives for meaningful parent and family involvement. The education of children
10 is viewed as a cooperative effort among the parents, family members, school, and community. In this
11 policy the word “parent” also includes guardians and other family members involved in supervising
12 the child’s schools.

13
14 Pursuant to federal law the District will develop jointly with, agree upon with, and distribute to
15 parents of children participating in the Title I program a written parent and family engagement policy.
16 This may include meaningful consultation with employers, business leaders, and philanthropic
17 organizations, or individuals with expertise in effectively engaging parents and family members in
18 education.

19
20 At the required annual meeting of Title I parents and family members (including parents and families
21 of migrant students if applicable), parents and family members will have opportunities to participate
22 in the design, development, operation, and evaluation of the program for the next school year.
23 Proposed activities to fulfill the requirements necessary to address the requirements of family
24 engagement goals shall be presented.

25
26 In addition to the required annual meeting, at least three (3) additional meetings shall be held at
27 various times of the day and/or evening for parents and family members of children (including
28 parents and families of migrant children if applicable) participating in the Title I program. These
29 meetings shall be used to provide parents with:

- 30
31 1. Information about programs provided under Title I;
32 2. A description and explanation of the curriculum in use, the forms of academic assessment
33 used to measure student progress, and the proficiency levels students are expected to meet;
34 3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating
35 to the education of their children; and
36 4. The opportunity to bring parent comments, if they are dissatisfied with the school’s Title I
37 program, to the District level.

38
39 Title I funding, if sufficient, may be used to facilitate parent attendance at meetings, through payment
40 of transportation and childcare costs.

41
42 The parents and family members of children (including parents and families of migrant children if
43 applicable) identified to participate in Title I programs shall receive from the school principal and
44 Title I staff an explanation of the reasons supporting each child’s selection for the program, a set of

objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents and family members to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist at home in the education of their children.

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

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

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

Legal Reference: Title I of the Elementary and Secondary Education Act
20 U.S.C. §§ 6301-6514
§ 1116 Every Student Succeeds Act

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 6/15/2022

3
4 Title I – Equivalency/Comparability
5

6 A. To assure that state and local services are provided in Title I schools at least equivalent to
7 such services in non-Title I schools, these policies will be observed in the School District.

8 1. Salary Scales

9 The District-wide salary scales will be applicable to all staff whether assigned to
10 Title I or non-Title I schools.

11 2. Assignment of Teachers, Administrators, and Support Personnel

12 Assignment of teachers, administrators, and support personnel will be made in
13 such a way to assure that the numbers of students per staff person in Title I
14 schools shall be equivalent to the average number of students per staff person in
15 relevant comparison schools (i.e., non-Title I or other Title I schools).

16 3. Curriculum Materials and Instructional Supplies

17 Curriculum materials and instructional supplies will be provided to schools with
18 the same grade spans on a per-pupil cost factor to assure that all children have
19 access to the same level of state and local resources regardless of whether they
20 attend a Title I or non-Title I school.
21

22 Title I Parent Involvement
23

24 In order to achieve the level of Title I parent involvement desired by District policy on this topic,
25 these procedures guide the development of each school’s annual plan designed to foster a
26 cooperative effort among parents, school, and community.
27

28 Guidelines
29

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

- 31 • Volunteering;
- 32 • Parent education;
- 33 • Home support for the child’s education;
- 34 • Parent participation in school decision making.
35

36 The school system will provide opportunities for professional development and resources for staff
37 and parents/community regarding effective parent involvement practices.
38

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4 Roles and Responsibilities

5 It is the responsibility of the parent to:

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

11
12 Staff is the responsible for:

- 13 • Develop and implement a school plan for parent involvement;
14 • Promote and encourage parent involvement activities;
15 • Effectively and actively communicate with all parents about skills, knowledge, and
16 attributes students are learning in school and suggestions for reinforcement;
17 • Send information to parents of Title I children (including parents of migrant children if
18 applicable) in a format and, to the extent practicable, in a language the parents can
19 understand.

20
21 Community members who volunteer in the schools have the responsibility to:

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

24
25 Administration is the responsible party for:

- 26 • Facilitate and implement the Title I Parent Involvement Policy and Plan;
27 • Provide training and space for parent involvement activities;
28 • Provide resources to support successful parent involvement practices;
29 • Provide in-service education to staff regarding the value and use of contributions of
30 parents and how to communicate and work with parents as equal partners;
31 • Send information to parents of Title I children (including parents of migrant children if
32 applicable) in a format and, to the extent practicable, in a language the parents can
33 understand.

34
35 Policy History:

36 Adopted on: 3/9/2010

37 Reviewed on:

38 Revised on: 6/15/2022

3

4 Special Education

5

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

10

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

14

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

17

18

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

23 Policy History:

24 Adopted on: 3/9/2010

25 Reviewed on: 6/15/2022

26 Revised on:

3
4 Special Education

5
6 Child Find

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

12
13 The District’s plan will contain procedures for identifying suspected disabled students in private
14 schools as identified in 34 C.F.R. 530.130 and 530.131(f), students who are home schooled,
15 homeless children, as well as public facilities located within the geographic boundaries of the
16 District. These procedures shall include screening and development criteria for further
17 assessment. The plan must include locating, identifying, and evaluating highly mobile children
18 with disabilities and children who are suspected of being a child with a disability and in need of
19 special education, even though the child is and has been advancing from grade to grade. The
20 District’s Child Find Plan must set forth the following:

- 21 1. Procedures used to annually inform the public of all child find activities, for children zero
22 through twenty-one;
 - 23 2. Identity of the special education coordinator;
 - 24 3. Procedures used for collecting, maintaining, and reporting data on child identification;
 - 25 4. Procedures for Child Find Activities (including audiological, health, speech/language, and
26 visual screening and review of data or records for students who have been or are being
27 considered for retention, delayed admittance, long-term suspension or expulsion or waiver
28 of learner outcomes) in each of the following age groups:
 - 29 A. Infants and Toddlers (Birth through Age 2)
30 Procedures for referral of infants and toddlers to the appropriate early intervention
31 agency, or procedures for conducting child find.
 - 32 B. Preschool (Ages 3 through 5)
33 Part C Transition planning conferences; frequency and location of screenings;
34 coordination with other agencies; follow-up procedures for referral and
35 evaluation; and procedures for responding to individual referrals.
 - 36 C. In-School (Ages 6 through 18)
37 Referral procedures, including teacher assistance teams, parent referrals, and
38 referrals from other sources; and follow-up procedures for referral and evaluation.
 - 39 D. Post-School (Ages 19 through 21)
- 40

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); followup procedures for referral and evaluation.

F. Homeless Children

G. Dyslexia

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

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

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

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

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

Procedures for Evaluation and Determination of Eligibility

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

10.16.3320 - Referral;

10.60.103 - Identification of Children with Disabilities;

10.16.3321 - Comprehensive Educational Evaluation Process;

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4 Procedural Safeguards and Parental Notification

5
6 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -
7 300.530.

8
9 A copy of the procedural safeguards available to the parents of a child with a disability must be
10 given to the parents only one (1) time a school year, except that a copy also must be given to the
11 parents:

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

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

23
24 The referral for special education consideration may be initiated from any source, including
25 school personnel. To initiate the process, an official referral form must be completed and signed
26 by the person making the referral. The District shall accommodate a parent who cannot speak
27 English and therefore cannot complete the District referral form. Recognizing that the referral
28 form is a legal document, District personnel with knowledge of the referral shall bring the referral
29 promptly to the attention of the Evaluation Team.

30
31 The District shall give written notice to the parent of its recommendation to evaluate or not to
32 evaluate the student. The parent will be fully informed concerning the reasons for which the
33 consent to evaluate is sought. Written parental consent will be obtained before conducting the
34 initial evaluation or before reevaluating the student.

35
36 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the
37 parents in their native language or another mode of communication appropriate to the parent. An
38 explanation of all the procedural safeguards shall be made available to the parents when their
39 consent for evaluation is sought. These safeguards will include a statement of the parents' rights
40 relative to granting the consent.

1
2
3 Evaluation of Eligibility

4 Evaluation of eligibility for special education services will be consistent with the requirements of
5 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of
6 Eligibility; and shall also comply with A.R.M. 10.16.3321.

7
8 Individualized Education Programs

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

11
12 Independent Education Evaluations

13
14 The parents of a child with a disability have the right to obtain an independent educational
15 evaluation of the child in accordance with law. Independent educational evaluation means an

16
17 Evaluation conducted by a qualified examiner who is not employed by the District at District
18 expense.

19
20 If the parents request an independent educational evaluation, the District will provide information
21 about where an independent educational evaluation may be obtained and the criteria applicable
22 for independent educational evaluations. The District may also ask for the parent's reason why he
23 or she objects to the public evaluation.

24
25 A parent is entitled to only one independent educational evaluation at public expense each time
26 the public agency conducts an evaluation with which the parent disagrees.. If the parent obtains
27 an independent educational evaluation at District expense or shares with the public agency an
28 evaluation obtained at private expense, the results of the evaluation will be handled in accordance
29 with law.

30
31 If an independent educational evaluation is at District expense, the criteria under which the
32 evaluation is obtained, including the location of the evaluation and the qualifications of the
33 examiner, must be the same as the criteria that the public agency uses when it initiates an
34 evaluation.

35
36 Least Restrictive Environment

37 To the maximum extent appropriate, children with disabilities, including children in public or
38 private institutions or other care facilities, are educated with children who are nondisabled, and
39 special classes, separate schooling, or other removal of children with disabilities from the regular
40 class occurs only if the nature or severity of the disability is such that education in regular

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4 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.
5 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the
6 requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is
7 available as required in 34 C.F.R. 300.551.
8

9 Children in Private Schools/Out-of District Placement

10 Children with a disability placed in or referred to a private school or facility by the District, or
11 other appropriate agency, shall receive special education and related services in accordance with
12 the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.
13

14 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private
15 school or facility by parents do not have an individual right to special education and related
16 services at the District's expense. When services are provided to children with disabilities placed
17 by parents in private schools, the services will be in accordance with the requirements and
18 procedures of 34. C.F.R. 300.130 through 300.144, and 300.148.
19

20 Impartial Due Process Hearing

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

23 Special Education Records and Confidentiality of Personally Identifiable Information

24
25 A. Confidentiality of Information
26

27 The District follows the provisions under the Family Educational Rights and Privacy Act and
28 implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M.
29 10.16.3560.
30

31 B. Access Rights
32

33 Parents of disabled students and students eighteen (18) years or older, or their representative, may
34 review any educational records which are designated as student records collected, maintained,
35 and used by the District. Review shall normally occur within five (5) school days and in no case
36 longer than forty-five (45) days. Parents shall have the right to an explanation or interpretation of
37 information contained in the record. Non-custodial parents shall have the same right of access as
38 custodial parents, unless there is a legally binding document specifically removing that right.
39

40 C. List of Types and Locations of Information.

1
2
3 A list of the records maintained on disabled students shall be available in the District office.
4 Disabled student records shall be located in the Roberts School or Yellowstone West Carbon
5 County Special Services Cooperative, where they are available for review by authorized District
6 personnel, parents, and adult students. Special education teachers will maintain an IEP file in
7 their classrooms. These records will be maintained under the direct supervision of the teacher
8 and will be located in a locked file cabinet. A record-of-access sheet in each special education
9 file will specify the District personnel who have a legitimate interest in viewing these records.

10
11 D. Safeguards

12
13 The District will identify in writing the employees who have access to personally identifiable
14 information, and provide training on an annual basis to those staff members.

15
16
17 E. Destruction of Information

18
19 The District will inform parents five (5) years after the termination of special education services
20 that personally identifiable information is no longer needed for program purposes. Medicaid
21 reimbursement records must be retained for a period of at least six years and three months from
22 the date on which the service was rendered or until any dispute or litigation concerning the
23 services is resolved, whichever is later. The parent will be advised that such information may be
24 important to establish eligibility for certain adult benefits. At the parent's request, the record
25 information shall either be destroyed or made available to the parent or to the student if eighteen
26 (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty
27 (60) days prior to taking any action on destruction of records. Unless consent has been received
28 from the parent to destroy the record, confidential information will be retained for five (5) years
29 beyond legal school age.

30
31 F. Children's Rights

32
33 Privacy rights shall be transferred from the parent to an adult student at the time the student
34 attains eighteen (18) years of age, unless some form of legal guardianship has been designated
35 due to the severity of the disabling condition.

36
37 Discipline

38
39 Students with disabilities may be suspended from school the same as students without disabilities
40 for the same infractions or violations for up to ten (10) consecutive school days. Students with

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4 disabilities may be suspended for additional periods of not longer than ten (10) consecutive
5 school days for separate, unrelated incidents, so long as such removals do not constitute a change
6 in the student's educational placement. However, for any additional days of removal over and
7
8 above ten (10) school days in the same school year, the District will provide educational services
9 to a disabled student, which will be determined in consultation with at least one (1) of the child's
10 teachers, determining the location in which services will be provided. The District will
11 implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.
12

13	Legal References:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
14		34 CFR 300.502	Independent education evaluation
15		§ 20-1-213, MCA	Transfer of school records
16		10.16.3122 ARM	Local Educational Agency Responsibility for
17			Students with Disabilities
18		10.16.3220 ARM	Program Narrative
19		10.16.3321 ARM	Comprehensive Educational Evaluation Process
20		10.16.3340 ARM	Individualized Education Program and Placement
21			Decisions
22		10.16.3560 ARM	Special Education Records
23		10.60.103 ARM	Identification of Children with Disabilities
24		37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
25		Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act
26			

27 Policy History:

28 Adopted on: 3/9/2010

29 Reviewed on:

30 Revised on: 6/15/2022

1 **Roberts School District**
2 **INSTRUCTION**

R
2162

3
4 Section 504 of the Rehabilitation Act of 1973 (“Section 504”)
5

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

15
16 Legal Reference: Rehabilitation Act of 1973, Section 504, 29 U.S.C § 794 ADA
17 Amendments Acts of 2008
18 34 C.F.R. § 104.1 *et seq.* Purpose
19 34 C.F.R. § 104.35 Evaluation and Placement
20 34.C.F.R § 104.36 Procedural safeguards

21 Policy History:
22 Adopted on: 3/9/2010
23 Reviewed on:
24 Revised on: 6/15/2022
25

3
4 Section 504 of the Rehabilitation Act of 1973 (“Section 504”)
5

- 6 (1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies
7 under Section 504 for special instruction or related services disagrees with a decision of
8 the District with respect to: (1) the identification of the child as qualifying for Section
9 504; (2) the District’s evaluation of the child; and/or (3) the educational placement of the
10 child, the parents of the student are entitled to certain procedural safeguards. The student
11 shall remain in his/her current placement until the matter has been resolved through the
12 process set forth herein.
- 13 A. The District shall provide written notice to the parent or legal guardian of a
14 Section 504 student, prior to initiating an evaluation of the child and/or
15 determining the appropriate educational placement of the child, including special
16 instruction and/or related services;
 - 17 B. Upon request, the parent or legal guardian of the student shall be allowed to
18 examine all relevant records relating to the child’s education and the District’s
19 identification, evaluation, and/or placement decision;
 - 20 C. The parent or legal guardian of the student may make a request in writing for an
21 impartial due process hearing. The written request for an impartial due process
22 hearing shall identify with specificity the areas in which the parent or legal
23 guardian is in disagreement with the District;
 - 24 D. Upon receipt of a written request for an impartial due process hearing, a copy of
25 the written request shall be forwarded to all interested parties within three (3)
26 business days;
 - 27 E. Within ten (10) days of receipt of a written request for an impartial due process
28 hearing, the District shall select and appoint an impartial hearing officer who has
29 no professional or personal interest in the matter. In that regard, the District may
30 select a hearing officer from the list of special education hearing examiners
31 available at the Office of Public Instruction, the county superintendent, or any
32 other person who would conduct the hearing in an impartial and fair manner;
 - 33 F. Once the District has selected an impartial hearing officer, the District shall
34 provide the parent or legal guardian and all other interested parties with notice of
35 the person selected;
 - 36 G. Within five (5) days of the District’s selection of a hearing officer, a prehearing
37 conference shall be scheduled to set a date and time for a hearing, identify the
38 issues to be heard, and stipulate to undisputed facts to narrow the contested
39
 - 40 H. The hearing officer shall, in writing, notify all parties of the date, time, and
41 location of the due process hearing;
 - 42 I. Anytime prior to the hearing, the parties may mutually agree to submit the matter
43 to mediation. A mediator may be selected from the Office of Public Instruction’s
list of trained mediators;

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- J. At the hearing, the District and the parent or legal guardian may be represented by counsel;
 - K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify, and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination, and the Montana Rules of Evidence will not apply. The hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision;
 - L. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties;
 - M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 912 2nd Avenue, Seattle, WA 98714-1099; (206) 220-7900.
- (2) Uniform Complaint Procedure. If a parent or legal guardian of the student alleges that the District and/or any employee of the District has engaged in discrimination or harassment of the student, the parent or legal guardian will be required to proceed through the District’s Uniform Complaint Procedure.

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

Policy History:

Adopted on: 3/9/2010
Reviewed on: 6/15/2022
Revised on:

1 **Roberts School District**

2 **INSTRUCTION**

3
4 Traffic Education

5
6 Roberts School District will provide a drivers' training instruction program for students who live
7 within the geographic boundaries of the public school district if they are able to hire an
8 instructor, whether or not they are enrolled in the public school district and provided that
9 students enrolled in the course will have reached their fifteenth (15th) birthday within six (6)
10 months of course completion and have not yet reached nineteen (19) years of age on or before
11 September 10 of the school year in which the student participates in traffic education.

12
13 All eligible students will be treated fairly and without bias in the notification, enrollment, and
14 class administration procedures associated with the traffic education program.

15
16 The purpose of the program is to introduce students to a course of study which should lead to the
17 eventual development of skills appropriate for a licensed driver. The traffic education program is
18 designed to meet the criteria established by the Superintendent of Public Instruction. These
19 criteria include requirements for instructional time, for instructor certification, recommendations
20 for course of study, and reimbursement procedures.

21		
22		
23		
24	Legal Reference:	§ 20-7-502, MCA Duties of superintendent of public instruction
25		§ 20-7-503, MCA District establishment of traffic education program
26		§ 20-7-507, MCA District traffic education fund
27		10.13.307, ARM Program Requirements
28		10.13.312, ARM Student Enrollment
29		

30 Policy History:

31 Adopted on: 7/19/2022

32 Reviewed on:

33 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

3
4 2166
5

6 Gifted Program
7

8 To the extent possible with available resources, all gifted and talented students will have the
9 opportunity to participate in appropriate educational programs. “Gifted and talented students”
10 are students of outstanding abilities, who are capable of high performance and who require
11 differentiated educational programs beyond those normally offered in public schools, in order to
12 fully achieve their potential contribution to self and society.
13

14 The District shall:

- 15 • Provide educational services to gifted and talented students that are commensurate to their
16 needs, and foster a positive self-image.
- 17 • Comply with all federal and state laws and regulations regarding addressing gifted education.
- 18 • Provide structured support and assistance to teachers in identifying and meeting the diverse
19 student needs of gifted and talented students, and shall provide a framework for considering
20 a full range of alternatives for addressing student needs.
21

22 The Superintendent will establish procedures consistent with state guidelines for nominating,
23 assessing, and selecting children of demonstrated achievement, or potential ability in terms of
24 general intellectual ability and academic aptitude.
25

26 Legal References: §§ 20-7-901 - 904, MCA Gifted and Talented Children
27 10.55.804, ARM Gifted and Talented
28

29 Policy History:

30 Adopted on: 7/19/2022

31 Reviewed on:

32 Revised on:
33

3
4 Distance, Online, and Technology-Delivered Learning

5
6 For purposes of this policy, “distance learning” is defined as: instruction in which students and
7 teachers are separated by time and/or location with synchronous or asynchronous content,
8 instruction, and communication between student and teacher (e.g., correspondence courses,
9 online learning, videoconferencing, streaming video).

10
11 The District may receive and/or provide distance, online, and technology-delivered learning
12 programs, provided the following requirements are met:

- 13 1. The distance, online, and technology-delivered learning programs and/or courses shall
14 meet the learner expectations adopted by the District and be aligned with state content
15 and performance standards;
- 16 2. The District shall provide a report to the Superintendent of Public Instruction,
17 documenting how it is meeting the needs of students under the accreditation standards,
18 who are taking a majority of courses during each grading period via distance, online, and/
19 or technology-delivered programs;
- 20 3. The District will provide qualified instructors and/or facilitators as described in ARM
21 10.55.907(3)(a)(b)(c);
- 22 4. The District will ensure that the distance, online, and technology-delivered learning
23 facilitators receive in-service training on technology-delivered instruction as described in
24 ARM 10.55.907(3)(d); and
- 25 5. The District will comply with all other standards as described in ARM
26 10.55.907(4)(5)(ae).

27
28 The District will permit a student to enroll in an approved distance learning course, in order that
29 such student may include a greater variety of learning experiences within the student’s
30 educational program.

31
32 Credit for distance learning courses may be granted, provided the following requirements are
33 met:

- 34
35 1. Prior permission has been granted by the principal;
- 36 2. The program fits the education plan submitted by the regularly enrolled student;
- 37 3. The course does not replace a required course offered by the District unless it supports a
38 student in an alternative learning plan;

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

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

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

Cross Reference:	2170	Montana Digital Academy
	2470 & 2410P	High School Graduation Requirements
	2100	School Calendar and Year
	3121	Enrollment and Attendance

Legal References:	§ 20-9-311(4)(d), MCA	Calculation of Average Number Belonging
	ARM 10.55.705	Administrative Personnel; Assignment of School
		Administrative/Principals
	ARM 10.55.906	High School Credit
	ARM 10.55.907	Distance, Online, and Technology Delivered
		Learning

Policy History:

Adopted on: 7/19/2022

Reviewed on:

Revised on:

1 **Roberts School District**

2 **INSTRUCTION**

2170

3 Digital Academy Classes

4
5 The District recognizes that the District and students may have a need for greater flexibility in the
6 educational program due to funding, teacher availability, individual learning styles, health conditions,
7 employment responsibilities, lack of success in traditional school environments or a desire for students to
8 accelerate their learning and work at the college level before leaving high school. The District
9 acknowledges that online learning solutions offered by the Montana Digital Academy (MTDA) may
10 fulfill these needs.

11
12 MTDA is authorized by Montana law to charge fees for students to access offered courses. The District
13 shall pay fees for students enrolled in an MTDA class that is required for graduation as specified in
14 District policy or the student handbook or as determined by the Superintendent or designee. The District
15 may charge students a reasonable fee for an MTDA course or activity not required for graduation. The
16 Board of Trustees authorizes the Superintendent to waive the fee in cases of financial hardship. Any
17 courses the District does not pay for will not be included in the ANB calculation in accordance with
18 Policy 3121.

19
20 The Superintendent, and/or designees, shall be responsible for developing procedures for the online
21 learning program that address related topics that may include but are not limited to specification and
22 determination of graduation requirements and fee collection for classes that are not required. Further, the
23 online learning solutions providers ensure that:

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

35	OCross Reference	2100	School Calendar and Day
36		2170P	Digital Academy Procedures
37		3520	Student Fees and Fines
38		3121	Enrollment and Attendance
39	Legal References:	§20-7-1201, MCA	Montana Digital Academy – purposes - governance
40		§20-7-1202, MCA	Funding – rulemaking authority
41		§20-9-213, MCA	Fees
42		§20-9-311, MCA	Calculation of average number belonging (ANB)
43			- Three year averaging

44 Policy History:

45 Adopted on: 7/19/2022

46 Reviewed on:

47 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2170P

3
4 Digital Academy Classes
5

6 The District will permit a student to enroll in Montana Digital Academy (MDA) classes in order that
7 such student may include a greater variety of learning experiences within the student’s educational
8 program or enroll in a class for credit recovery. The District will allow students in grades 7-12 to
9 enroll in the Montana Digital Academy program under the following conditions:

- 10
11
1. The student must be an enrolled student in the District.
 - 12 2. A part-time student must be enrolled for a minimum of 180 aggregate hours of instruction as
13 provided in 20-9-311(4)(a)(i). This can be an onsite or an MTDA class.
 - 14 3. Determination of Montana High School Association (MHSA) eligibility will be based on
15 eligibility rules established by MHSA. Students who wish to take MTDA classes and
16 participate in MHSA activities must follow all extra-curricular eligibility rules.
 - 17 4. The student will be required to take the class(es) during the Digital Academy course within
18 the schedule.
 - 19 5. Any MTDA course offered may be made available to a student in the discretion of the
20 Superintendent or designee and all courses offered by MTDA shall be considered approved
21 by the Board of Trustees for the applicable school fiscal year.
 - 22 6. The District shall pay fees for students enrolled in an MTDA class that required for
23 graduation as specified in District policy or the student handbook or as determined by the
24 Superintendent or designee.
 - 25 7. The District shall not charge students a reasonable fee for an elective MTDA course or
26 activity not required for graduation. The Board of Trustees authorizes the Superintendent to
27 waive the fee in cases of financial hardship.
- 28

29 Policy History:

30 Adopted on: 7/19/22

31 Reviewed on:

32 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2171

3
4 Significant Writing Program

5
6 The Board of Trustees has determined that a significant writing program is critical for the
7 education program of the students. The significant writing program has been developed by the
8 administration and staff and approved by the Board. Teachers with a significant writing program
9 shall have a maximum load of 100 students per day.

10

11	Legal References:	10.55.701(2) (p) ARM	Board of Trustees
12		10.55.713 (4) ARM	Teacher Load and Class Size

13

14 Policy History:

15 Adopted on: 7/19/2022

16 Reviewed on:

17 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2240

3
4 Summer School

5
6 The Board of Trustees authorizes a summer program of instructional offerings for the purpose of
7 remediation of credit, maintenance of skills, and enrichment. All classes offered for credit must
8 meet minimum state requirements for accreditation and may be delivered at the school or at
9 another offsite location. Remediation credit courses shall be offered for grades 9-12, in
10 accordance with District advancement requirements. Credit course offerings must be approved
11 by the Board of Trustees.

12
13 Policy History:

14 Adopted on: 7/19/2022

15 Reviewed on:

16 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

R
2250

3
4 Community and Adult Education

5
6 Efforts will be made to maximize the use of public school facilities and resources, realizing that
7 education is a lifelong process involving the whole community. The District may make its
8 resources available to adults and other non-students, within limits of budget, staff, and facilities,
9 provided there is no interference with or impairment of the regular school program. Community
10 and adult education and other offerings may be developed in cooperation with community
11 representatives, subject to approval and authorization by the Board.

12
13

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

15

16 Policy History:

17 Adopted on: January 2003

18 Reviewed on: 3/9/2010

19 Revised on: 6/15/2022

20

21

1 **Roberts School District**
2 **INSTRUCTION**

R
2309

3
4 **Library Materials**

5
6 School library and classroom library books are primarily for use by District students and staff.
7 Library books may be checked out by either students or staff. Individuals who check out books
8 are responsible for the care and timely return of those materials. The building principal may 10
9 assess fines for damaged or unreturned books.

10
11 District residents and parents or guardians of non-resident students attending the District may be
12 allowed use of library books, at the discretion of the building principal. However, such access
13 shall not interfere with regular school use of those books. Use of library books outside of the
14

15 District is prohibited except for inter-library loan agreements with other libraries.
16 Any individual may challenge the selection of materials for the library/media center. The
17 Uniform Complaint Procedure will be utilized to determine if challenged material is
18 properly located in the library.

19
20 **Cross Reference:** 1700 Uniform Complaint Procedure
21 2314 Learning Materials Review

22
23 **Legal Reference:** § 20-4-402(5), MCA Duties of district superintendent or county high
24 school principal
25 § 20-7-203, MCA Trustees' policies for school library
26 § 20-7-204, MCA School library book selection

27
28 **Policy History:**

29 Adopted on: 3/9/2010

30 Reviewed on: 6/15/2022

31 Revised on:
32
33

3
4 Selection of Library Materials

5
6 The District has libraries in every school, with the primary objective of implementing and
7 supporting the educational program in the schools. It is the objective of these libraries to provide
8 a wide range of materials on all appropriate levels of difficulty, with diversity of appeal and the
9 presentation of different points of view.

10
11 The provision of a wide variety of library materials at all reading levels supports the District’s 13
12 basic principle that the school in a free society assists all students to develop their talents fully so
13 that they become capable of contributing to the further good of that society.

14
15 In support of these objectives, the Board reaffirms the principles of intellectual freedom inherent
16 in the First Amendment of the Constitution of the United States and guided by the principles set
17 forth in the American Library Association’s Library Bill of Rights and its interpretation for 19
18 school libraries.

19
20 The Roberts School Board delegates the responsibility of approving library materials to
21 the District Superintendent.

22
23 The Board, acting through the Superintendent, thereby delegates authority for selection of library
24 materials to the principal in each of the schools. The principal further delegates that authority to
25 the librarian in the school.

26
27 Legal reference: § 20-4-402(5), MCA Duties of district superintendent or county high
28 school principal
29 § 20-7-203, MCA Trustees’ policies for school library
30 § 20-7-204, MCA School library book selection
31 Library Bill of Rights
32 American Library Association
33

34 Policy History:

35 Adopted on: 3/9/2010

36 Reviewed on:

37 Revised on: 6/15/2022

1 **Roberts School District**
2 **INSTRUCTION**

R
2310P

3
4 Selection of Library Materials
5

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

10 Weeding
11

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

17 Discarded materials will be clearly stamped:
18

19 “WITHDRAWAL FROM ROBERTS SCHOOLS PUBLIC SCHOOL LIBRARY”
20

21 Materials will be discarded in compliance with § 20-6-604, MCA. When the decision to sell or
22 dispose of library materials is made, the Board will adopt a resolution to sell or otherwise
23 dispose of the material because it is or is about to become abandoned, obsolete, undesirable, or
24 unsuitable for the school purposes of the District. The Board will publish a notice of the
25 resolution in the newspaper of general circulation in the *Carbon County News*. The resolution
26 may not become effective for fourteen (14) days after notice is published.
27

28 Gifts
29

30 Gift materials may be accepted with the understanding they must meet criteria set for book
31 selection.
32

33 Policy History:

34 Adopted on: 3/9/2012

35 Reviewed on: 6/15/2022

36 Revised on:
37

3
4 Instructional Materials

5
6 The Board is legally responsible to approve and to provide the necessary instructional
7 materials used in the District. Textbooks and instructional materials should provide quality
8 learning experiences for students and:

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

19
20 Basic instructional course material in the fundamental skill areas of language arts, mathematics,
21 science, and social studies should be reviewed at intervals not exceeding five (5) years, or
22 consistent with the state’s standards revision schedule that are consistent with the goals of the
23 continuous school improvement plan. All instructional materials must be sequential and must be
24 compatible with previous and future offerings.

25
26 Instructional materials may be made available for loan to students when the best interest of the
27 District and student will be served by such a decision. Students will not be charged for normal
28 wear. They will be charged replacement cost, however, as well as for excessive wear,
29 unreasonable damage, or lost materials. The professional staff will maintain records necessary
30 for the proper accounting of all instructional materials.

31
32 Cross Reference: 2314 Learning Materials Review

33	34 Legal Reference:	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
35		§ 20-7-601, MCA	Free textbook provisions
36		§ 20-7-602, MCA	Textbook selection and adoption
37		10.55.603(4)(b), ARM	Curriculum and Assessment

38
39 Policy History:

40 Adopted on: 3/9/2010

41 Reviewed on: 6/15/2022

42 Revised on:

3
4 Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

12
13 Selection and Adoption

14
15 Textbooks shall be selected by a curriculum committee representing the various staff who will
16 likely be using the text. In most, but not all, cases an administrator will chair the committee.

17 Each committee should develop, prior to selection, a set of selection criteria against which
18 textbooks will be evaluated. The criteria should include the following, along with other
19 appropriate criteria. Textbooks shall:

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

26
27 Removal

28
29 Textbooks may be removed when they no longer meet the criteria for initial selection, when they
30 are worn out, or when they have been judged inappropriate through the Learning Materials
31 Review Process.

32
33 Policy History:

34 Adopted on: 3/9/2010

35 Reviewed on: 6/15/2022

36 Revised on:

3
4
5 Copyright
6

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

11
12 Under the "fair use" doctrine, unauthorized reproduction of printed copyrighted materials is
13 permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or 14
14 research.

15
16 Under the fair use doctrine, each of the following four standards must be met in order to use the
17 printed copyrighted document:

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

27
28 While the District encourages its staff to enrich learning programs by making proper use of
29 supplementary materials, it is the responsibility of staff to abide by District copying procedures
30 and obey requirements of law. Under no circumstances will it be necessary for staff to violate
31 copyright requirements in order to properly perform their duties. The District cannot be
32 responsible for any violations of the copyright law by its staff.

33
34 The display of dramatic performances, musical works, motion pictures or television programing
35 to students may only occur for educational purposes under the following standards:

- 36 • During onsite instruction
 - 37 • When viewed in a classroom or designated place of instruction
 - 38 • With a lawfully made copy or via an authorized account
 - 39 • As a regular part of instruction and directly related to the curriculum
- 40
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42

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

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

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

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 6/15/2022

3

4 Learning Materials Review

5

6 Citizens objecting to specific materials used in the District are encouraged to submit a complaint
7 in writing using the Uniform Complaint Procedure (Policy 1700) and discuss the complaint with
8 the building principal prior to pursuing a formal complaint.

9

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

13

14 Cross Reference: 1700 Uniform Complaint Procedure

15

16 Policy History:

17 Adopted on: 3/9/2010

18 Reviewed on: 6/15/2022

19 Revised on:

3
4 Field Trips, Excursions, and Outdoor Education
5

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

13
14 Field trips that will take students out of state must be approved in advance by the Board; building
15 principals may approve all other field trips.

16
17 Building principals will develop procedures with respect to field trips, excursions, and outdoor
18 education.

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

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

25
26 **Policy and Guidelines for Senior Trip**
27

28 The Senior Trip is not a school funded activity, however; it is a school sponsored activity
29 governed by the policies of the school district. Accordingly, the Superintendent and the Roberts
30 Board of Trustees have the oversight and must approve of all trip proposals.

31
32 The district will assign 1-2 staff members to act as class sponsors at the discretion of the district
33 superintendent. If a sponsor leaves the district or is unable to continue a replacement will be
34 found. The school allows student and parent fundraising activities with prior approval from the
35 Roberts Leadership Team and the Superintendent.

36
37 **REQUIREMENTS:**

- 38 1. All funds raised as a class are to be designated to a senior trip and the cost of the
39 graduation ceremony with any remaining funds going back to the District.
- 40 2. The trip must be of an educational venue.
- 41 3. The location, itinerary, and dates of the trip shall be presented to the Board of Trustees
42 for approval.

1
2
3 4. If a Sponsor is unable to go on a Senior trip, a new chaperone will need to be approved
4 by the Superintendent and the Board of Trustees.

5 5. Any funds left in the graduating class's account must be used within the school once
6 all expenses have been paid. The determination of where or how that money will be spent
7 in the school will need to be documented in writing by the Senior class in a formal
8 meeting 2 of the class and given to the Superintendent prior to graduation.

9
10 Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

11
12 Policy History:

13 Adopted on: 12/10/2007

14 Reviewed on: 8/11/2015, 6/15/2022

15 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

R
2330

3
4 Controversial Issues and Academic Freedom

5
6 The District will offer courses of study which will afford learning experiences appropriate to
7 levels of student understanding. The instructional program respects the right of students to face
8 issues, to have free access to information, to study under teachers in situations free from
9 prejudice, and to form, hold, and express their own opinions without personal prejudice or
10 discrimination.

11
12 Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint
13 students with the need to recognize various points of view, importance of fact, value of good
14 judgment, and the virtue of respect for conflicting opinions.

15
16 The Board encourages and supports the concept of academic freedom, recognizing it as a
17 necessary condition to aid in maintaining an environment conducive to learning and to the free
18 exchange of ideas and information.

19
20 In a study or discussion of controversial issues or materials, however, the Board directs teaching
21 staff to take into account the following criteria:

- 22
23 1. Relative maturity of students;
24 2. District philosophy of education;
25 3. Community standards, morals, and values;
26 4. Necessity for a balanced presentation; and
27 5. Necessity to seek administrative counsel and guidance in such matters.

28
29
30 Legal Reference: Article X, Sec. 8, Montana Constitution - School district trustees
31 § 20-3-324(16) and (17), MCA Powers and duties
32

33 Policy History:

34 Adopted on: 3/9/2010

35 Reviewed on: 6/15/2022

36 Revised on:

3
4 Participation in Commencement Exercises Statement of Policy

5
6 A student’s right to participate in a commencement exercise of the graduating class at Roberts High
7 School is an honor. As such, participation in this ceremony is reserved for those members of the
8 graduating class who have completed all state and local requirements for graduation before the date of the
9 ceremony. Students who complete their requirements after the date of commencement exercises will
10 receive their diplomas at that time.

11
12 Organization and Content of Commencement Exercises

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

17
18 The school administration may invite graduating students to participate in high school graduation
19 exercises according to academic class standing or class officer status. Any student who, because of
20 academic class standing, is requested to participate may choose to decline the invitation.

21
22 The school administrators will review presentations and specific content, and may advise participants
23 about appropriate language for the audience and occasion. Students selected to participate may choose to
24 deliver an address, poem, reading, song, musical presentation, or any other pronouncement of their
25 choosing.

26
27 Legal Reference: Art. II, Sec. t, Montana Constitution – Freedom of Religion
28 Art. X, Sec. 1 (2), Montana Constitution – Educational Goals and Duites
29 Art. X, Sec. 7, Montana Constitution – Nondiscrimination in Education
30 § 20-1-308, MCA Religious instruction released time program
31 § 20-7-112, MCA Sectarian publications prohibited an prayer permitted

32 Policy History:

33 Adopted on: 3/9/2010

34 Reviewed on:

35 Revised on: 6/15/2022

3

4 Release Time for Religious Instruction

5

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

10

11

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

15

16 Policy History:

17 Adopted on: 7/19/2022

18 Reviewed on:

19 Revised on:

20

21

22

23

24

1 **Roberts School District**

2 **INSTRUCTION**

2410

3
4 High School Graduation Requirements

5
6 The Board will award a regular high school diploma to every student enrolled in the District who
7 meets graduation requirements established by the District. The official transcript will indicate the
8 specific courses taken and level of achievement.

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

17
18 To graduate from Roberts High School, a student must have satisfactorily completed the last
19 quarter prior to graduation as a Roberts High School student. Highly unusual exceptions may be
20 considered by the principal, such as a student exchange program in a recognized school.

21
22 A student with a disabling condition will satisfy those competency requirements incorporated into
23 the individualized education program (IEP). Satisfactory completion of the objectives
24 incorporated in the IEP will serve as the basis for determining completion of a course.

25
26 A student may be denied participation in graduation ceremonies in accordance with 20-5-201(3),
27 MCA. In such instances the diploma will be awarded after the official ceremony has been held.

28
29 Legal Reference: § 20-5-201, MCA Duties and sanctions
30 § 20-3-322 (3), MCA Meetings and Quorum
31 10.55.904, ARM Basic Education Program Offerings: High School
32 10.55.905, ARM Graduation Requirements
33 10.55.906, ARM High School Credit

34
35 Policy History:

36 Adopted on: 7/19/2022

37 Reviewed on:

38 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2410P
page 1 of 3

3
4 High School Graduation Requirements

5
6 Publication of Graduation Requirements

7
8 Prior to registering in high school, each student will be provided with a copy of the current
9 graduation requirements. Graduation requirements shall also be included in the student
10 handbook.

11
12 Credits

13
14 Students shall be expected to earn a total of twenty-five (25) units in order to complete graduation
15 requirements. Special education students who have successfully completed their IEP leading to
16 completion of high school will be awarded a diploma.

17
18 Waiver of Requirement

19
20 Graduation requirements generally will not be waived under any circumstances. The Board may
21 waive specific course requirements based on individual student needs and performance levels.
22 Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of
23 the students and shall be in consultation with the parents or guardians.

24
25 Alternative Programs

26
27 A student may be given credit for a course satisfactorily completed in a period of time shorter or
28 longer than normally required and, provided that the course meets the district's curriculum and
29 assessment requirements, which are aligned with the content standards stated in the education
30 program. Credit toward graduation requirements may be granted for planned learning experiences
31 from accredited programs, such as summer school, university courses, and correspondence
32 courses, extension, and distance learning courses, adult education, summer school, work study,
33 work-based learning partnerships, and other experiential learning opportunities, custom-designed
34 courses, and challenges to current courses. The District shall accept units of credit taken with the
35 approval of the District and which appear on the student's official school transcript. Credit for
36 work experience may be offered when the work program is a part of and supervised by the
37 school.

38
39 All classes attempted at Roberts High School and all acceptable transfer credits shall be recorded
40 on the transcript. All grades earned, including failures and retakes, shall be recorded as such and
41 utilized in the calculation of Grade Point Average and class rank. Credit shall be awarded only
42 once regardless of repetition of the course.

1
2
3
4 Dual Credit
5

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

12
13 The Roberts School District has dual credit partnerships with [name of post-secondary
14 institutions]. Students interested in dual credit opportunities must meet with their building
15 administration to determine available options.

16
17 Students should be aware of Montana High School Association on-campus attendance eligibility
18 requirements for activity participation.

19
20 Honor Roll
21

22 A student must have a minimum grade-point average of 3.00 to be placed on the regular honor
23 roll. Specific information regarding honors at graduation are included in the student handbook.
24

25 Class Rank (Grade Point Average)
26

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

29
30 Early Graduation
31

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

38
39 The Board hereby authorizes the [high school principal] [superintendent] [administration] to
40 recommend to the Board for early graduation students who have completed the minimum
41 requirements for graduation in less than eight semesters.
42
43

1
2
3 Post-Graduation
4

5 The Board may admit an individual who has graduated from high school but is not yet 19 years of
6 age even though no special circumstances exist for waiver of the age requirements outlined in
7

8 Policy 3310. The Board authorizes the administration to notify parents and students of this
9 opportunity to enroll after earning a diploma or purposes post-secondary or career preparation.
10 Any student enrolled under this provision shall be included in the District's ANB calculation.
11

12 Educational Disruption
13

14 If a student who has experienced an educational disruption meets the minimum high school credit
15 requirement for graduation as established by administrative rules of the Board of Public
16 Education but will not meet a higher credit requirement established by Board of Trustees, the
17 District shall award the student a diploma. The District may distinguish the diploma in a
18 reasonable manner from standard diplomas issued under this policy.
19

20 For the purposes of this policy, "educational disruption" means a disruption experienced during
21 grades nine through twelve caused by homelessness, involvement in the child welfare system or
22 juvenile justice system, a medical or mental health crisis, or another event considered a qualifying
23 educational disruption by the District.
24

25	Cross Reference:	Policy 3125	Homeless Students
26			
27	Legal Reference:	§ 20-9-313, MCA	Circumstances under which regular average number
28			belonging may be increased
29		10.55.906, ARM	High School Credit
30		10.55.905, ARM	Graduation Requirements
31		§ 10-1-1402, MCA	Montana Youth Challenge
32		Chapter 80	2021 General Legislative Session
33		HB 246	2021 General Legislative Session
34			

35 Policy History:

36 Adopted on: 7/19/2022

37 Reviewed on:

38 Revised on:

3
4 Credit Transfer and Assessment for Placement

5
6 Grades 9-12

7
8 Requests for transfer of credit or grade placement from any non-accredited, nonpublic school
9 will be subject to examination and approval before being accepted by the District. This will be
10 done by the school counselor or principal or, in the case of home schools, by a credit evaluation
11 committee consisting of a counselor, a staff member from each subject area in which credit is
12 being requested, and a school principal.

13
14 The credit evaluation committee will:

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

25
26 The District will give credit only for home schools which have met all requirements as specified
27 in Montana law. Credit from home schools will be accepted only when a like course is offered
28 in the District.

29
30 The school transcripts will record courses taken in home schools or non-accredited schools by
31 indicating title of the course, school where the course was taken, and grade.

32
33 For the purpose of calculation of class rank, only those courses taken in an accredited school will
34 be used.

35
36 Grades 1-8

37
38 Requests from parents of students in non-accredited, nonpublic schools for placement in the
39 District school system will be evaluated by an assessment-for-placement team. That team will
40 include:

- 41 1. A school principal; and
42 2. One (1) teacher of the grade in which the student is being considered for enrollment.

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

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

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

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

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

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

Policy History:

Adopted on: 3/9/2010
Reviewed on: 6/27/2022
Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2421

3
4 Promotion and Retention

5

6 Student placement, promotion, or retention will be determined after a careful evaluation of the
7 advantages and disadvantages of alternatives.

8

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

13

14 Teaching staff and building principals will make final decisions respecting promotion or
15 retention.

16

17

18

19 Policy History:

20 Adopted on: Spring 2000

21 Reviewed on: 6/27/2022

22 Revised on:

1 **Roberts School District**
2 **INSTRUCTION**

2450

3
4
5 Recognition of Native American Cultural Heritage
6

7 The District recognizes the distinct and unique cultural heritage of Native Americans and is
8 committed in the District's educational goals to the preservation of such heritage.
9

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

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

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

31 Legal Reference: Art. X, Sec 1(2), Montana Constitution
32 § 20-1-501, et seq., MCA Indian Education for All
33 10.55.602 ARM Curriculum and Assessment
34 10.55.701 ARM Board of Trustees
35 10.55.803 ARM Learner Access
36

37 Policy History:

38 Adopted on: 3/9/2010

39 Reviewed on: 6/27/2022

40 Revised on:
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1 **Roberts School District**
2 **INSTRUCTION**

R
2510
page 1 of 2

3
4 School Wellness
5

6 The School District is committed to providing school environments that promote and protect children’s
7 health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is
8 the policy of the School District that:
9

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

- 11 1. *Community involvement*, including input from teachers of physical education and school health
12 professionals, parents, students, school food service, the school Board, school administrators,
13 educators, and the public. Training of this team of people on the components of a healthy school
14 nutrition environment is recommended.
- 15 2. *Goals for nutrition education, nutrition promotion, physical activity, and other school*
16 *based activities* that are designed to promote student wellness in a manner that the local
17 education agency determines appropriate.
- 18 3. *Implementation, Periodic Assessment, and Public Updates*, including expanding the purpose of
19 the team of collaborators beyond the development of a local wellness policy to also include the
20 implementation of the local wellness policy with periodic review and updates, inform and update
21 the public every three years, at a minimum, (including parents, students, and others in the
22 community) about the content and implementation of the local wellness policies, and to measure
23 periodically and make available to the public an assessment of the local wellness policy,
24 including:
 - 25 • The extent to which schools are in compliance with the local wellness policy;
 - 26 • The extent to which the LEA’s local wellness policy compares to model local school
27 wellness policies; and
 - 28 • The progress made in attaining the goals of the local wellness policy.
- 29 4. *Nutrition guidelines* for all foods available on each school campus under the local education
30 agency during the school day, with the objectives of promoting student health and nutrient-rich
31 meals and snacks. This includes food and beverages sold in a la carte sales, vending machines,
32 and student stores; and food and beverages used for classroom rewards and fundraising efforts.
- 33 5. *Guidelines for reimbursable school meals* to ensure that the District offers school meal programs
34 with menus meeting the meal patterns and nutrition standards established by the U.S. Department
35 of Agriculture.
- 36 6. *A plan for measuring implementation* of the local wellness policy, including designation of one
37 or more persons within the local education agency or at each school, as appropriate, charged with
38 operational responsibility for ensuring that each school fulfills the District’s local wellness
39 policy.
40

41 The suggested guidelines for developing the wellness policy include:
42

43 **Nutrition Education and Nutrition Promotion**

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

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4 **Health Enhancement and Physical Activity Opportunities**

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

10
11 All K-12 students of the District shall have the opportunity to participate regularly in supervised,
12 organized or unstructured, physical activities, to maintain physical fitness, and to understand the short-
13 and long-term benefits of a physically active and healthy lifestyle.

14
15 **Nutrition Standards**

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

20
21 The District shall monitor all food and beverages sold or served to students during the normal school day,
22 including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending,
23 student stores, classroom rewards, fundraising efforts). The District shall consider nutrient density and
24 portion size before permitting food and beverages to be sold or served to students. The Superintendent
25 shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent
26 and purpose of this policy shall be modified accordingly or not renewed.

27
28 **Other School-Based Activities Designed to Promote Student Wellness**

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

32
33 **Maintaining Student Wellness**

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

40
41 Legal Reference: PL 108-265 The Child Nutrition and WIC Reauthorization Act of 2004
42 PL 111-296 The Healthy, Hunger-Free Kids Act of 2010

43 **Policy History:**

44 Adopted on: 3/9/2010

45 Reviewed on:

46 Revised on: 6/27/2022

Early Childhood Education Enrollment Exceptional Circumstances

It is the policy of the District to provide enhanced educational opportunities to students under the age of 5 when either individual exceptional circumstances exist and/or when Community-Based exceptional circumstances are present.

Prohibition: *This policy cannot be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.*

Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

The administration shall ensure admission, enrollment and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time kindergarten program as an integral part of the elementary school program. The administration shall also ensure provision of a free appropriate public education in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

The administration shall include children enrolled pursuant to this policy in the district's calculation of average number belonging (ANB) as reported to OPI.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in Section 20-5-101(3), MCA, that merit waiving the age provisions of Section 20-5-101(1), MCA for qualifying children under 6 years of age. These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

1. A child at least 3 years of age with a disability qualifying the child for services under the federal Individuals with Disabilities Education Act.
2. A child who is 4 years of age or older on or before September 10 of the school year in which enrollment is to occur who:
 - a. Meets the income eligibility guidelines for free or reduced price meals under the National School Lunch Program;
 - b. Is Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act;
 - c. Is Gifted and Talented within the meaning of that term as used in 20-7-901, MCA;
 - d. Is an enrolled member of a federally recognized American Indian Tribe;
 - e. Is homeless as defined in 42 U.S. Code § 11302, or, as determined by the administration, exhibits other characteristics or lives in circumstances that are uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or typical which place the child at risk of failing to achieve at adequate levels;

f. Is an at-risk student as defined in Section 20-1-101(4), MCA.

Legal Reference:	§ 20-4-101, MCA	Definitions
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-6-501, MCA	Definition of various schools
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined
	Article X, section 1, of the Montana constitution	
	Individual with Disabilities Act Federal Rehabilitation Act of 1973	
	National School Lunch Act (Public Law 396, 79 th congress, chapter 281)	
	Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)	
	McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.	

Policy History:

Adopted on: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

1 **Roberts School District**
2 **STUDENTS**

4 Entrance, Placement, and Transfer

5
6 Entrance, Date, and Age

7
8 The trustees will enroll and admit a child to a school in the district when the child is 5 years of
9 age or older on or before the tenth (10th) day of September of the school year in which the child
10 is to enroll but is not yet 19 years of age who is a resident of the District. Parents may request a
11 waiver of the age requirement. All waivers are granted in the sole discretion of the Trustees.
12

13 Non-resident students may be admitted at the discretion of the Trustees. Children will be
14 enrolled in the grade identified in accordance with District policy or at the discretion of the of the
15 administration in consultation with the student’s parents or guardians. The District requires
16 proof of identity and an immunization record for every child to be admitted to District schools.
17

18 The trustees may at their discretion assign and admit a child to a school in the district who is
19 under 5 years of age or an adult who is 19 years of age or older if there are exceptional
20 circumstances that merit waiving the age provision. The trustees may also admit an individual
21 who has graduated from high school but is not yet 19 years of age even though no special
22 circumstances exist for waiver of the age provision of this Policy.
23

24 School Entrance

- 25
- 26 1. The District requires that a student’s parents, legal guardian, or legal custodian present
27 proof of identity of the child¹ to the school within forty (40) days of enrollment, as well
28 as proof of residence in the District. Students who are not residents of the District may
29 apply for admission pursuant to Policy 3141.
30
 - 31 2. To be admitted to District schools, in accordance with the Montana Immunization Law, a
32 child must have been immunized against varicella, diphtheria, pertussis, tetanus,
33 poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents
34 approved by the department. Immunizations may not be required if a child qualifies for
35 conditional attendance or an exemption is filed as provided by Montana law.
36
 - 37 3. The above requirements are not to serve as barriers to immediate enrollment of students
38 designated as homeless or foster children as required by the Every Student Succeeds Act
39 (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work
40 with the local child welfare agency, the school last attended, or other relevant agencies to
41 obtain necessary enrollment documentation and ensure a student receives education
42 services in the best interests of the child. The Superintendent or designee shall serve as
43 point of contact with all applicable agencies to review records, facilitate services and
44 resolve disputes.
45

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4 Placement
5

6 The District goal is to place students at levels and in settings that will increase the probability of
7 student success. Developmental testing, together with other relevant criteria, including but not
8 limited to health, maturity, emotional stability, and developmental disabilities, may be
9 considered in the placement of all students. Final disposition of all placement decisions rests
10 with the principal, subject to review by the Superintendent or the Board.
11

12 Children of Relocated Military Families

13 The Board shall assign and admit a child whose parent or guardian is being relocated to Montana
14 under military orders to a school in the district and allow the child to preliminarily enroll in
15 classes and apply for programs offered by the District prior to arrival and establishing residency.
16

17 The student will be placed in student data management system as soon as enrolled under this
18 provision. The student will attend classes during preliminary enrollment and the Board
19 authorizes the administration to provide offsite instruction to the student if not present in the
20 District. The District will include a student enrolled under this provision as part of the
21 calculation of ANB.
22

23 Transfer

24 District policies regulating the enrollment of students from other accredited elementary and
25 secondary schools are designed to protect the educational welfare of children.
26

27 Elementary Grades (K-8)

28 A student transferring into the District will be admitted and placed subject to observation by
29 appropriate teachers and a building principal during a probation period of two (2) weeks.
30 Thereafter, should doubt arise as to initial grade and level placement of a student, school
31 personnel will conduct an educational assessment to determine appropriate grade and level
32 placement.
33

34 Secondary Grades (9-12) Credit Transfer

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

- 37 1. Appropriate certificates of school accreditation;
- 38 2. Length of course, school day, and school year;
- 39 3. Content of applicable courses;
- 40 4. School building as it relates to credit earned (i.e., lab areas for appropriate science or
41 vocational instruction);
- 42 5. Appropriate evaluation of student performance leading toward credit issuance.
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The District will follow Montana Accreditation Rules and Standards, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Superintendent or the Board.

Legal Reference:	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization required – release and acceptance of immunization records
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	§ 44-2-511, MCA	School enrollment procedure
	10.16.3122, ARM	Local Educational Agency Responsibility For Students with Disabilities
	10.55.601, et seq., ARM	Accreditation Standards: Procedures
	Chapter 20	2021 General Legislative Session
	HB 246	2021 General Legislative Session

Policy History:

Adopted on: 7/19/2022

Reviewed on:

Revised on:

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

1 **Roberts School District**
2 **STUDENTS**

R
3120

3 Compulsory Attendance
4

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

11
12 Parents or legal guardians or legal custodians are responsible for seeing that their children who are age
13 seven (7) or older before the first (1st) day of school attend school until the later of the following dates:
14

- 15 1. Child's sixteenth (16th) birthday; or
- 16 2. Completion date of the work of eighth (8th) grade.
- 17 3. The provisions above do not apply in the following cases:
 - 18 (a) The child has been excused under one of the conditions specified in 20-5-102.
 - 19 (b) The child is absent because of illness, bereavement, or other reason prescribed by the
20 policies of the trustees.
 - 21 (c) The child has been suspended or expelled under the provisions of 20-5-202.
 - 22 (d) The child is excused pursuant to Section 2 of 20-5-103.

23
24 Compulsory attendance stated above will not apply when children:

- 25 1. Are provided with supervised correspondence or home study; or
- 26 2. Are excused because of a determination by a district judge that attendance is not in the best
27 interests of the child; or
- 28 3. Are enrolled in a non-public or home school; or
- 29 4. Are enrolled in a school in another district or state; or
- 30 5. Are excused by the Board on a determination that attendance after age of sixteen (16) is not in the
31 best interests of the child and the school.

32

33 Legal Reference:	§ 20-1-308, MCA	Religious instruction released time program
34	§ 20-5-101, MCA	Admittance of child to school
35	§ 20-5-102, MCA	Compulsory enrollment and excuses
36	§ 20-5-103, MCA	Compulsory attendance and excuses
37	§ 20-5-104, MCA	Attendance officer
38	§ 20-5-106, MCA	Truancy
39	§ 20-5-107, MCA	Incapacitated and indigent child attendance §
40	20-5-108, MCA	Tribal agreement with district for Indian child
41		compulsory attendance and other agreements
42	§ 20-5-202, MCA	Suspension and Expulsion

43 Policy History:

44 Adopted on: 3/9/2010

45 Reviewed on:

46 Revised on: 7/19/2022

1 **Roberts School District**

2 **STUDENTS**

3121

page 1 of 3

3
4 Enrollment and Attendance Records

5
6 Since accurate enrollment and attendance records are essential both to obtain state financial
7 reimbursement and to fulfill the District's responsibilities under the attendance laws, staff shall be
8 diligent in maintaining such records.

9
10 A district may only include, for ANB purposes, any student who participates in pupil instruction
11 as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20,
12 including but not limited to an enrolled student who is: 14 15 • A resident of the district or a
13 nonresident student admitted by trustees under a student 16 attendance agreement and who is
14 attending a school of the district;

- 15 • Unable to attend school due to a medical reason certified by a medical doctor and
16 receiving individualized educational services supervised by the district, at district
17 expense, at a home or facility that does not offer an educational program;
- 18 • Unable to attend school due to the student's incarceration in a facility, other than a youth
19 detention center, and who is receiving individualized educational services supervised by
20 the district, at district expense, at a home or facility that does not offer an educational
21 program;
- 22 • Living with a caretaker relative under Section 1-1-215, MCA;
- 23 • Receiving special education and related services, other than day treatment, under a
24 placement by the trustees at a private nonsectarian school or private program if the
25 student's services are provided at the district's expense under an approved individual
26 education plan supervised by the district;
- 27 • Participating in the Running Start Program at district expense under Section 20-9-706,
28 MCA;
- 29 • Receiving education services, provided by the district, using appropriately licensed
30 district staff at a private residential program or private residential facility licensed by the
31 Department of Public Health and Human Services;
- 32 • Enrolled in an educational program or course provided at district expense using electronic
33 or offsite delivery methods, including but not limited to tutoring, distance learning
34 programs, online programs, and technology delivered learning programs, while attending
35 a school of the district or any other nonsectarian offsite instructional setting with the
36 approval of the trustees of the district;
- 37 • A student of the district completing work on a proficiency basis in accordance with 5
38 Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- 39 • A student gaining credit for participating in a work-based learning program pursuant to 8
40 [New Section 8] of Chapter 247, Laws of 2021 and Policy 2600;
- 41 • A student participating in an "innovative educational program" as defined in Section 15-
42 11 30-3102, MCA;
- 43 • A resident of the district attending a Montana job corps program under an interlocal
44 agreement with the district under Section 20-9-707, MCA; or
- 45 • A resident of the district attending a Montana Youth Challenge Program under an
46 interlocal agreement with the district under Section 20-9-707, MCA.

- A student with a disability who is over 19 years old but under 21 years of age, has been enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools, if the following criteria are satisfied:
- The student has not graduated;
- The student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and
- the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet one or more of the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.

Enrollment for Purposes of Participation in Extracurricular Activities By an Unenrolled Child or Part Time Enrolled Student

The District shall include for ANB purposes a child who during the prior school year:

- a. resided in the District;
- b. was not enrolled in the District or was not enrolled full time; and
- c. completed an extracurricular activity with a duration of at least 6 weeks in accordance with Policy 3510.

Each completed extracurricular activity that, inclusive of practices and post-season tournaments, lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A child may not be counted as more than one full-time enrollment for ANB purposes.

For purposes of calculating ANB under this section, "extracurricular activity" means:

- a. A sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
- b. an approved career and technical student organization, pursuant to Section 20-7-306, MCA; or
- c. a school theater production.

Homeless Youth and Foster Children

Assignment to schools shall be subject to modification when federal law applicable to students placed in foster care or students who are homeless requires that such students be educated in a "school of origin" that differs from the assigned school.

Cross References: Policy 3510 School Sponsored Activities
Policy 2600 Work Based Learning

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Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) -- three-year averaging.
	§ 20-9-706, MCA	Running start program – authorizing class credits at postsecondary institution – eligibility – payment for credits
	§ 20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	U.S.C. 794	Nondiscrimination under Federal grants and programs
	CFR 300.1, et seq.	Assistance to states for the education of children with disabilities
	Chapter 297 2021	General Legislative Session
	Chapter 269 2021	General Legislative Session
	Chapter 247 2021	General Legislative Session
	Chapter 406 2021	General Legislative Session

Policy History:

Adopted on: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

1
2 **Roberts School District**
3 **STUDENTS**

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3123

4
5 Attendance Policy - Truancy
6

7 Students are expected to attend all assigned classes each day. Teachers shall keep a record of absence and
8 tardiness. Before the end of the school day, each school shall attempt to contact every parent, guardian, or
9 custodian whose child is absent from school but who has not reported the child as absent for the school
10 day, to determine whether the parent, guardian, or custodian is aware of the child's absence from school.
11

12 For the purpose of this policy "truant" or "truancy" means the persistent non-attendance without excuse, as
13 defined by this policy, for all or any part of a school day equivalent to the length of one class period of a
14 child required to attend a school under 20-5-103. "Habitual truancy" means recorded unexcused absences
15 of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.
16

17 The Roberts School District's Definition of non-attendance without excuse is stated in the respective
18 student handbooks
19

20 The Roberts School district has appointed the Superintendent as the attendance officer(s) of the district.
21

22 Upon the board designating one or more of its staff as the attendance officer(s), the attendance officer(s)
23 shall have the powers and duties as stated in 20-5-105, MCA.
24

25	Legal Reference:	§ 20-5-103, MCA	Compulsory attendance and excuses
26		§ 20-5-104, MCA	Attendance Officer
27		§ 20-5-105, MCA	Attendance Officer – powers and duties
28		§ 20-5-106, MCA	Truancy
29		§ 20-5-107, MCA	Incapacitated and indigent child attendance
30		§ 20-5-103(22), MCA	Definitions

31
32 Policy History:

33 Adopted on: 8/14/2003

34 Reviewed on: 7/19/2022

35 Revised on:
36
37

3
4 Education of Homeless Children

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

10
11 Should a child become homeless over the course of the school year, the child must be able to remain at the
12 school of origin, or be eligible to attend another school in the district.

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

18
19 Homeless students will have access to services comparable those offered to other students, including but
20 not limited to:

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

27
28 The Superintendent will give special attention to ensuring the enrollment and attendance of homeless
29 children and youths not currently attending school. The Superintendent will appoint a liaison for homeless
30 children. A “homeless individual” is defined as provided in the McKinney Homeless Assistance Act.

31
32 Anyone having a concern or complaint regarding placement or education of a homeless child will first
33 present it orally and informally to the District homeless liaison.

34
35 Cross Reference 1700 Uniform Complain Procedure

36
37 Legal Reference: 42 U.S.C. §§42 U.S.C. § 11301 *et seq* 11431, *et seq.*
38 McKinney Homeless Assistance Act
39 § 20-5-101, MCA Admittance of child to school

40 Policy History:
41 Adopted on: 3/9/2010
42 Reviewed on:
43 Revised on: 7/19/2022

1 **Roberts School District**
2 **STUDENTS**

3
4 Students of Legal Age
5

6 Every student eighteen (18) years of age or older like all other students, will comply with the
7 rules established by the District, pursue the prescribed course of study, and submit to the
8 authority of teachers and other staff members as required by policy and state law. The
9 administration is authorized to make exceptions to this policy for students related to reasons that
10 include but are not limited to homelessness, emancipation, or applicable court order.

11
12 Forms
13

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

17
18 Admission to School
19

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

22
23 Field Trips/Athletic Programs
24

25 Approved forms for participation will be required of all students. The form should indicate that
26 the signature is that of the parent.

27
28 Absence/Lateness/Truancy
29

30 Absence notes will be signed by parents or guardians. Excessive absences will result in
31 consequences according to policy 3122P and will be reported on the report card.

32
33 Suspension/Expulsion
34

35 All suspension and/or expulsion proceedings will conform to the requirements of state statutes.
36 Notification of all such proceedings will be sent to parents or guardians.

37
38 Withdrawal From School
39

40 Adult students may withdraw from school under their own cognizance. Counselors will guide
41 and counsel potential dropouts and encourage their continued attendance. Parents will be notified
42 of impending dropouts by the school.
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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: 4/14/2015

Reviewed on:

Revised on: 7/19/2022

1 **Roberts Schools Districts**
2 **STUDENTS**

3150

3
4 Part-Time Attendance
5

6 The District will review requests for part-time enrollment of students for purposes of academic
7 courses on a case-by-case basis, with a building principal making a preliminary decision
8 pursuant to the criteria set forth in this Policy. Denial of part-time enrollment may be appealed
9 pursuant to policy 1700.
10

11 Criteria for accepting students for part-time enrollment are the following:
12

- 13 1. Accepting a student will not create excess student enrollment in a requested
14 class;
- 15 2. Accepting a student will not create need for an additional staff member;
- 16 3. Accepting a student will not cause a new section of a course to be created.
17

18 The District will accept on a first-come, first-served basis students wishing to enroll in the same
19 course. Whenever the enrollment position of a part-time student is needed for a regular, fulltime
20 student during the year, a full-time student has priority for the position beginning with the next
21 semester.
22

23 Participation in District Extracurricular Activities by Unenrolled Children
24

25 This policy does not restrict or limit the ability of unenrolled children to seek to participate in
26 extracurricular activities in accordance with Policy 3510. The District may secure ANB for
27 unenrolled children participating in identified extracurricular activities in accordance with Policy
28 3121.
29

30 Cross Reference: Policy 3510 School Sponsored Activities
31 Policy 3121 Enrollment and Attendance
32

33 Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB) –
34 3-year averaging
35 Chapter 297 2021 General Legislative Session
36 Chapter 269 2021 General Legislative Session
37

38 Policy History:

39 Adopted on: 10/13/2014

40 Reviewed on:

41 Revised on: 7/19/22
42

3
4
5 Equal Educational Opportunity, Nondiscrimination, and Sex Equity
6

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

11
12 No student will be denied equal access to programs, activities, services, or benefits or be limited
13 in the exercise of any right, privilege, or advantage, or denied equal access to educational and
14 extracurricular programs and activities.

15
16 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be
17 directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the
18 Department of Education, or both. The Board designates the following individual to serve as the
19

20 Inquiries regarding discrimination on the basis of disability or requests for accommodation
21 should be directed to the District Section 504 Coordinator. The Board designates the following
22 individual to serve as the District's Section 504 Coordinator:
23

24 Any individual may file a complaint alleging violation of this policy or the policies below by
25 following those policies or Policy 1700-Uniform Complaint Procedure.

26 Policy 3225/3225P-Sexual Harassment

27 Policy 3226-Bullying/Harassment/Intimidation/Hazing
28

29 The District, in compliance with federal regulations, will notify annually all students, parents,
30 staff, and community members of this policy and the designated coordinator to receive inquiries.
31 This annual notification will include the name and location of the coordinator and will be
32 included in all handbooks.
33

34 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence
35 against students, staff, or volunteers with disabilities. The District will consider such behavior as
36 constituting discrimination on the basis of disability, in violation of state and federal law.
37

38 Cross Reference: 1700 Uniform Complaint Procedure
39 3225 Sexual Harassment/Intimidation of Students
40 3226 Bullying/Harassment/Intimidation/Hazing
41

42 Legal Reference: Art. X, Sec. 7, Montana Constitution-Nondiscrimination in Education
43 § 49-2-307, MCA Discrimination in Education
44

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Title IX of Educational Amendments, 20 U.S.C § 1681, et seq.
34 CFR Part 106 Nondiscrimination on the basis of sex in Education
programs or activities receiving Federal financial
assistance

Policy History:

Adopted on: January 1992

Reviewed on:

Revised on: 3/9/2010, 6/16/2022

3
4 Sexual Harassment of Students

5
6 The District does not discriminate on the basis of sex in any education program or activity that it
7 operates. The District is required by Title IX of the Education Amendments of 1972 and the
8 regulations promulgated through the U.S. Department of Education not to discriminate in such a
9 manner. Inquiries about the application of Title IX to the District may be referred to the
10 District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of
11 Education, or both.

12
13 The Board designates the following individual to serve as the District's Title IX Coordinator:

14
15 Any person may report sex discrimination, including sexual harassment, at any time, including
16 during non-business hours. Such a report may be made in person, by mail, by telephone or by
17 electronic mail, using the contact information listed for the Title IX Coordinator, or by any other
18 means that results in the Title IX Coordinator receiving the person's verbal or written report.

19
20 For purposes of this policy and the grievance process, "sexual harassment" means conduct on the
21 basis of sex that satisfies one or more of the following:

- 22
23 1. A District employee conditioning the provision of an aid, benefit, or service of the District
24 on an individual's participation in unwelcome sexual conduct;
25
26 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
27 objectively offensive that it effectively denies a person equal access to the District's
28 education program or activity or
29
30 3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34
31 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as
32 defined in 34 USC 12291(a)(30).
33

34 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
35 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination
36 process for investigation.
37

38 An individual is not required to submit a report of sexual harassment involving the Title IX
39 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged
40 harassment, the individual may report the allegations to the building principal or superintendent
41 or other unbiased school official.
42

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers

and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District’s website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity
Policy 3225P – Sexual Harassment Procedures

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.

34 CFR Part 106 Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

2
3 **Sexual Harassment Reporting/Intake Form for Students**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 3225. The form may be used by the Title
5 IX Coordinator to document allegations.

6
7 School _____ Date _____

8
9 Student's name _____

10
11 • Who was responsible for the harassment or incident(s)? _____

12
13
14 • Describe the incident(s). _____

15
16
17
18 • Date(s), time(s), and place(s) the incident(s) occurred. _____

19
20
21 • Were other individuals involved in the incident(s)? Yes No

22 • If so, name the individual(s) and explain their roles. _____

23
24
25
26 • Did anyone witness the incident(s)? Yes No

27 If so, name the witnesses. _____

28
29
30
31 • Did you take any action in response to the incident? Yes No

32 If yes, what action did you take? _____

33
34
35
36 • Were there any prior incidents? Yes No

37 If so, describe any prior incidents. _____

38
39
40
41 Signature of complainant _____

42 Signatures of parents/legal guardians _____

43
44 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*
45 *remain confidential in accordance with law and policy.*

3
4
5 Sexual Harassment Grievance Procedure - Students
6

7 The Board requires the following grievance process to be followed for the prompt and equitable
8 resolution of student complaints alleging any action that would be prohibited as sexual
9 harassment by Title IX. The Board directs the process to be published in accordance with all
10 statutory and regulatory requirements.

11
12 Definitions
13

14 The following definitions apply for Title IX policies and procedures:
15

16 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the
17 District’s Title IX Coordinator or any official of the District who has authority to institute
18 corrective measures on behalf of the District, or to any employee of an elementary or secondary
19 school.
20

21 “Education program or activity:” includes locations, events or circumstances over which the
22 District exercised substantial control over both the individual who has been reported to be the
23 perpetrator of conduct that could constitute sexual harassment, and the context in which the
24 sexual harassment occurs.
25

26 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute
27 sexual harassment.
28

29 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could
30 constitute sexual harassment.
31

32 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator
33 alleging sexual harassment against a Respondent and requesting that the District investigate the
34 allegation of sexual harassment.
35

36 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as
37 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent
38 before or after the filing of a formal complaint or where no formal complaint has been filed.
39

40 District Requirements
41

42 When the District has actual knowledge of sexual harassment in an education program or activity
43 of the District, the District will respond promptly in a manner that is not deliberately indifferent.
44 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
45 harassment, the Title IX Coordinator will direct the individual to the applicable sex

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4 discrimination process, bullying and harassment policy, or public complaint procedure for
5 investigation.
6

7 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator
8 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive
9 measures. Supportive measures are designed to restore or preserve equal access to the District's
10 education program or activity without unreasonably burdening the other party, including
11 measures designed to protect the safety of all parties or the District's educational environment, or
12 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines
13 or other course-related adjustments, modifications of work or class schedules, mutual restrictions
14 on contact between the parties, leaves of absence, increased security and monitoring of certain
15 areas of the District's property, campus escort services, changes in work locations and other
16 similar measures.
17

18 The Title IX Coordinator is responsible for coordinating the effective implementation of
19 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly
20 contact the Complainant to discuss the availability of supportive measures, consider the
21 Complainant's wishes with respect to supportive measures, inform the Complainant of the
22 availability of supportive measures with or without the filing of a formal complaint, and explain
23 to the Complainant the process for filing a formal complaint. If the District does not provide the
24 Complainant with supportive measures, then the District must document the reasons why such a
25 response was not clearly unreasonable in light of the known circumstances.
26

27 Timelines

28

29 The District has established reasonably prompt time frames for the conclusion of the grievance
30 process, including time frames for filing and resolving appeals and informal resolution processes.
31 The grievance process may be temporarily delayed or extended for good cause. Good cause may
32 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent
33 law enforcement activity; or the need for language assistance or accommodation of disabilities.
34 In the event the grievance process is temporarily delayed for good cause, the District will provide
35 written notice to the Complainant and the Respondent of the delay or extension and the reasons
36 for the action.
37

38 Response to a Formal Complaint

39

40 At the time of filing a formal complaint, a Complainant must be participating in or attempting to
41 participate in the education program or activity of the District with which the formal complaint is
42 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by
43 electronic mail, or other means designated by the District.
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3 The District must follow the formal complaint process before the imposition of any disciplinary
4 sanctions or other actions that are not supportive measures. However, nothing in this policy
5 precludes the District from removing a Respondent from the District's education program or
6 activity on an emergency basis, provided that the District undertakes an individualized safety and
7 risk analysis, determines that an immediate threat to the physical health or safety of any student
8 or other individual arising from the allegations of sexual harassment justifies removal, and
9 provides the Respondent with notice and an opportunity to challenge the decision immediately
10 following the removal. A period of removal may include the opportunity for the student to
11 continue instruction in an offsite capacity. The District may also place a non-student employee
12 Respondent on administrative leave during the pendency of the grievance process. This
13 provision may not be construed to modify any rights under the Individuals with Disabilities
14 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities
15 Act.

16
17 Upon receipt of a formal complaint, the District must provide written notice to the known parties
18 including:

- 19
20 1. Notice of the allegations of sexual harassment, including information about the
21 identities of the parties involved in the incident, the conduct allegedly constituting
22 sexual harassment, the date and location of the alleged incident, and any sufficient
23 details known at the time. Such notice must be provided with sufficient time to
24 prepare a response before any initial interview;
25
26 2. An explanation of the District's investigation procedures, including any informal
27 resolution process;
28
29 3. A statement that the Respondent is presumed not responsible for the alleged
30 conduct and that a determination regarding responsibility will be made by the
31 decision-maker at the conclusion of the investigation;
32
33 4. Notice to the parties that they may have an advisor of their choice who may be, but
34 is not required to be, an attorney, and may inspect and review any evidence; and
35
36 5. Notice to the parties of any provision in the District's code of conduct or policy that
37 prohibits knowingly making false statements or knowingly submitting false
38 information.
39

40 If, in the course of an investigation, the District decides to investigate allegations about the
41 Complainant or Respondent that are not included in the notice initially provided, notice of the
42 additional allegations must be provided to known parties.
43

44 The District may consolidate formal complaints as to allegations of sexual harassment against
45 more than one Respondent, or by more than one Complainant against one or more Respondents,

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3 or by one party against the other party, where the allegations of sexual harassment arise out of the
4 same facts or circumstances.
5

6 Investigation of a Formal Complaint 7

8 When investigating a formal complaint and throughout the grievance process, the District must:
9

- 10 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a
11 determination regarding responsibility rests on the District and not the parties’;
- 12 2. Provide an equal opportunity for the parties to present witnesses and evidence;
- 13 3. Not restrict either party’s ability to discuss the allegations under investigation or to gather
14 and present relevant evidence;
- 15 4. Allow the parties to be accompanied with an advisor of the party’s choice who may be,
16 but is not required to be, an attorney. The District may establish restrictions regarding the
17 extent to which the advisor may participate in the proceedings, as long as the restrictions
18 apply equally to both parties;
- 19 5. Provide written notice of the date, time, location, participants, and purpose of any
20 interview or meeting at which a party is expected to participate, with sufficient time for the
21 party to prepare to participate;
- 22 6. Provide the parties equal access to review all the evidence collected which is directly
23 related to the allegations raised in a formal complaint and comply with the review periods
24 outlined in this process;
- 25 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
- 26 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who
27 facilitate an informal resolution process, do not have a conflict of interest or bias for or
28 against Complainants or Respondents generally or an individual Complainant or
29 Respondent;
- 30 9. Not make credibility determinations based on the individual’s status as Complainant,
31 Respondent or witness;
- 32 10. Not use questions or evidence that constitute or seek disclosure of privileged information
33 unless waived.
34

35 Dismissal of Formal Complaints 36

37 If the conduct alleged in the formal complaint would not constitute sexual harassment even if
38 proved, did not occur in the District’s education program or activity, or did not occur against a
39 person in the United States, then the District must dismiss the formal complaint with regard to
40 that conduct for purposes of sexual harassment under this policy.
41

42 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any
43 time during the investigation or hearing, if applicable, when any of the following apply:

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- 2
- 3 1. A Complainant provides written notification to the Title IX Coordinator that the
- 4 Complainant would like to withdraw the formal complaint or any allegations therein;
- 5 2. The Respondent is no longer enrolled or employed by the District or;
- 6 3. Specific circumstances prevent the District from gathering evidence sufficient to reach a
- 7 determination as to the formal complaint or allegations therein.
- 8

9 Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the
10 reasons for dismissal simultaneously to both parties. The grievance process will close in the
11 event a notice of dismissal is provided to the parties. Support measures may continue following
12 dismissal.

13 Evidence Review

14
15
16 The District provides both parties an equal opportunity to inspect and review any evidence
17 obtained as part of the investigation so that each party can meaningfully respond to the evidence
18 prior to the conclusion of the investigation. The evidence provided by the District must include
19 evidence that is directly related to the allegations in the formal complaint, evidence upon which
20 the District does not intend to rely in reaching a determination regarding responsibility, and any
21 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to
22 completion of the investigative report, the Title IX Coordinator must send to each party and the
23 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a
24 hard copy. The parties have 10 calendar days to submit a written response to the Title IX
25 Coordinator, which the investigator will consider prior to completion of the investigative report.

26 Investigative Report

27
28
29 The investigator must prepare an investigative report that fairly summarizes relevant evidence
30 and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each
31 party and the party's advisor, if any, the investigative report in an electronic format or a hard
32 copy, for their review and written response. The parties have 10 calendar days to submit a
33 written response to the Title IX Coordinator.

34 Decision-Maker's Determination

35
36
37 The investigative report is submitted to the decision-maker. The decision-maker cannot be the
38 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a
39 hearing or make a determination regarding responsibility until 10 calendar days from the date the
40 Complainant and Respondent receive the investigator's report.

41
42 Prior to reaching a determination regarding responsibility, the decision-maker must afford each
43 party the opportunity to submit written, relevant questions that a party wants asked of any party

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3 or witness, provide each party with the answers, and allow for additional, limited follow-up
4 questions from each party. Questions and evidence about the Complainant's sexual
5 predisposition or prior sexual behavior are not relevant, unless such questions and evidence
6 about the Complainant's prior sexual behavior are offered to prove that someone other than the
7 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence
8 concern specific incidents of the Complainant's prior sexual behavior with respect to the
9 Respondent and are offered to prove consent. Questions must be submitted to the Title IX
10 Coordinator within three calendar days from the date the Complainant and Respondent receive
11 the investigator's report.

12
13 The decision-maker must issue a written determination regarding responsibility based on a
14 preponderance of the evidence standard. The decision-maker's written determination must:

- 15
16 1. Identify the allegations potentially constituting sexual harassment;
17 2. Describe the procedural steps taken, including any notifications to the parties, interviews
18 with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
19 3. Include the findings of fact supporting the determination;
20 4. Draw conclusions regarding the application of any District policies and/or code of conduct
21 rules to the facts;
22 5. Address each allegation and a resolution of the complaint including a determination
23 regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s)
24 imposed on the Respondent, and whether remedies designed to restore or preserve access to
25 the educational program or activity will be provided by the District to the Complainant and
26 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the
27 determination.

28
29 A copy of the written determination must be provided to both parties simultaneously, and
30 generally will be provided within 60 calendar days from the District's receipt of a formal
31 complaint.

32
33 The determination regarding responsibility becomes final either on the date that the District
34 provides the parties with the written determination of the result of the appeal, if an appeal is
35 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered
36 timely.

37
38 Where a determination of responsibility for sexual harassment has been made against the
39 Respondent, the District will provide remedies to the Complainant that are designed to restore or
40 preserve equal access to the District's education program or activity. Such remedies may include
41 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need
42 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective
43 implementation of any remedies. Following any determination of responsibility, the District may
44 implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated

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4 agreement. For students, the sanctions may include disciplinary action, up to and including
5 permanent exclusion.
6

7 Appeals

8

9 Either the Complainant or Respondent may appeal the decision-maker's determination regarding
10 responsibility or a dismissal of a formal complaint, on the following bases:
11

- 12 1. Procedural irregularity that affected the outcome of the matter;
- 13 2. New evidence that was not reasonably available at the time that could affect the outcome
14 and
- 15 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias
16 for or against Complainants or Respondents generally or an individual Complainant or
17 Respondent that affected the outcome.
18

19 The District also may offer an appeal equally to both parties on additional bases.
20

21 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar
22 days after the date of the written determination. The appeal decision-maker must not have a
23 conflict of interest or bias for or against Complainants or Respondents generally or an individual
24 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the
25 decision-maker from the original determination.
26

27 The appeal decision-maker must notify the other party in writing when an appeal is filed and give
28 both parties a reasonable equal opportunity to submit a written statement in support of, or
29 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a
30 written decision describing the result of the appeal and the rationale for the result. The decision
31 must be provided to both parties simultaneously, and generally will be provided within 10
32 calendar days from the date the appeal is filed.
33

34 Informal Resolution Process

35

36 Except when concerning allegations that an employee sexually harassed a student, at any time
37 during the formal complaint process and prior to reaching a determination regarding
38 responsibility, the District may facilitate an informal resolution process, such as mediation, that
39 does not involve a full investigation and determination of responsibility, provided that the
40 District:
41
42

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3 Provides to the parties a written notice disclosing:
4

- 5 A. The allegations;
6
7 B. The requirements of the informal resolution process including the circumstances
8 under which it precludes the parties from resuming a formal complaint arising from
9 the same allegations, provided, however, that at any time prior to agreeing to a
10 resolution, any party has the right to withdraw from the informal resolution process
11 and resume the Title IX formal complaint process with respect to the formal
12 complaint; and
13
14 C. Any consequences resulting from participating in the informal resolution process,
15 including the records that will be maintained or could be shared.
16

17 2. Obtains the parties' voluntary, written consent to the informal resolution process.
18

19 The informal resolution process generally will be completed within 30 calendar days, unless the
20 parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process.
21 The formal grievance process timelines are stayed during the parties' participation in the
22 informal resolution process. If the parties do not reach resolution through the informal resolution
23 process, the parties will resume the formal complaint grievance process, including timelines for
24 resolution, at the point they left off.
25

26 Recordkeeping

27
28 The District must maintain for a period of seven years records of:
29

- 30 1. Each sexual harassment investigation, including any determination regarding responsibility,
31 any disciplinary sanctions imposed on the Respondent, and any remedies provided to the
32 Complainant designed to restore or preserve equal access to the District's education
33 program or activity;
34 2. Any appeal and the result therefrom;
35 3. Any informal resolution and the result therefrom; and
36 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any
37 person who facilitates an informal resolution process. The District must make these training
38 materials publicly available on its website.
39

40 The District must create, and maintain for a period of seven years, records of any actions,
41 including any supportive measures, taken in response to a report or formal complaint of sexual
42 harassment. In each instance, the District must document the basis for its conclusion that its
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response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District’s education program or activity.

Cross Reference: Policy 3210 Equal Education, Nondiscrimination and Sex Equity
Policy 3225 Sexual Harassment
Policy 3310 Student Discipline

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
Section 49-3-101, et seq., MCA, Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
Section 20-5-201, MCA, Duties and Sanctions
Section 20-5-202, MCA, Suspension and Expulsion
34 CFR Part 106 Nondiscrimination on the basis of sex in
education programs or activities receiving
Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

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5 Bullying/Harassment/Intimidation/Hazing
6

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

10
11 Definitions
12

- 13 1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors,
14 service contractors or others engaged in District business, such as employees of businesses or
15 organizations participating in cooperative work programs with the District, and others not directly
16 subject to District control at inter-district and intra-District athletic competitions or other school
17 events.
- 18 2. "District" includes District facilities, District premises, and non-District property if the student or
19 employee is at any District-sponsored, District-approved, or District-related activity or function,
20 such as field trips or athletic events, where students are under the control of the District or where
21 the employee is engaged in District business.
- 22 3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the mental
23 or physical health or safety of a student for the purpose of initiation or as a condition or
24 precondition of attaining membership in or affiliation with any District-sponsored activity or grade-
25 level attainment, including but not limited to forced consumption of any drink, alcoholic beverage,
26 drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from
27 social contact, sleep deprivation, or any other forced activity that could adversely affect the mental
28 or physical health or safety of a student; requires, encourages, authorizes, or permits another to be
29 subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks
30 to be performed, or other such activities intended to degrade or humiliate.
- 31 4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning
32 gesture or physical contact, including any intentional written, verbal, or electronic communication
33 ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that
34 substantially interferes with a student's educational benefits, opportunities, or performance, that
35 takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on
36 school-provided transportation, at any official school bus stop, or anywhere conduct may
37 reasonably be considered to be a threat or an attempted intimidation of a student or staff member or
38 an interference with school purposes or an educational function, and that has the effect of: a.
39 Physically harming a student or damaging a student's property;
40 b. Knowingly placing a student in reasonable fear of physical harm to the student or damage
41 to the student's property;
42 c. Creating a hostile educational environment, or;
43 d. Substantially and materially disrupts the orderly operation of a school.
- 44 5. "Electronic communication device" means any mode of electronic communication, including but
45 not limited to computers, cell phones, PDAs, or the internet.
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3 Reporting

4 All complaints about behavior that may violate this policy shall be promptly investigated. Any student,
5 employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a
6 victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged to
7 immediately report his/her concerns to the building principal or the District Administrator, who have overall
8 responsibility for such investigations. A student may also report concerns to a teacher or counselor, who
9 will be responsible for notifying the appropriate District official. Complaints against the building principal
10 shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator
11 shall be filed with the Board.

12
13 The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial
14 action has been taken.

15
16 Exhaustion of administrative remedies

17 A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or
18 demeaning gesture or physical contact, including any intentional written, verbal, or electronic
19 communication, as stated above, may seek redress under any available law, either civil or criminal, after
20 exhausting all administrative remedies.

21
22 Responsibilities

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

26
27 When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the
28 employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be
29 followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the
30 Title IX process.

31
32 Consequences

33 Students whose behavior is found to be in violation of this policy will be subject to discipline up to and
34 including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to
35 discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this
36 policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or
37 the Board. Individuals may also be referred to law enforcement officials.

38
39 Retaliation and Reprisal

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

44
45 Cross Reference: 3225 Sexual Harassment

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Legal Reference:	§ 20-5-207, MCA	“Bully-Free Montana Act”
	§ 20-5-208, MCA	Defintion
	§ 20-5-207, MCA	Bullying of Student Prohibited
	§ 20-5-2010, MCA	Enforcement – exhaustion of Administrative Remedies
	10.55.701 (2)(f),ARM	Board of Trustees
	10.55.719, ARM	Student Protection Procedures
	10.55.801 (1)(d), ARM	School Climate

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

3
4 Searches and Seizure

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

13
14 The search of a student, by authorized school authorities, is reasonable if it is both:

15 (1) justified at its inception, and

16 (2) reasonably related in scope to the circumstances which justified the interference in the first
17 place.

18
19 School authorities are authorized to utilize any reasonable means of conducting searches,
20 including but not limited to the following:

- 21 1. A “pat down” of the exterior of the student’s clothing;
22 2. A search of the student’s clothing, including pockets;
23 3. A search of any container or object used by, belonging to, or otherwise in the possession
24 or control of a student; and/or
25 4. Devices or tools identified in school district policy or the student handbook or deemed
26 necessary by the Superintendent or designee.

27
28 The “pat down” or “search” of a student, if conducted, will be conducted by a school official or
29 employee of the same gender as the student being searched.

30
31 School Property and Equipment and Personal Effects of Students

32
33 School authorities may inspect and search school property and equipment owned or controlled
34 by the District (such as lockers, desks, and parking lots).

35
36 The Superintendent may request the assistance of law enforcement officials, including their use
37 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and
38 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous
39 substances or material.

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41 Students

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3 School officials may search any individual student, his/her property, or District property under
4 his/her control, when there is a reasonable suspicion that the search will uncover evidence that
5 he/she is violating the law, Board policy, administrative regulation, or other rules of the District
6 or the school. Reasonable suspicion shall be based on specific and objective facts that the search
7 will produce evidence related to the alleged violation. The types of student property that may be
8 searched by school officials include but are not limited to lockers, desks, purses, backpacks,
9 student vehicles parked on District property, cellular phones, or other electronic communication
10 devices.

11
12 Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles
13 on school property. While on school property, vehicles may be inspected at any time by staff, or
14 by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs,
15 drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug
16 paraphernalia, or weapons are present, including by alert-trained dogs, the student's vehicle will
17 be searched, and the student expressly consents to such a search.

18
19 Also, by parking in the school parking lots, the student consents to having his/her vehicle
20 searched if the school authorities have any other reasonable suspicion to believe that a violation
21 of school rules or policy has occurred.

22 Seizure of Property

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24
25 When a search produces evidence that a student has violated or is violating either a law or
26 District policies or rules, such evidence may be seized and impounded by school authorities and
27 disciplinary action may be taken. As appropriate, such evidence may be transferred to law
28 enforcement authorities.

29
30 Legal Reference: *Safford Unified School Dist. No. 1 v. Redding*, 557 U.S. 364, 129 S.Ct.
31 2633 (2009)
32 *Terry v. Ohio*, 392 U.S. 1, 20 (1968)
33 *B.C. v. Phumas*, (9th Cir. 1999) 192 F.3d 1260
34

35 Policy History:

36 Adopted on: 1st Reading on 7/19/2022

37 Reviewed on:

38 Revised on:
39
40

1 **Roberts School District**

2 **STUDENT**

3231P

3 Searches and Seizure

4
5 The following rules shall apply to any searches and the seizure of any property by school
6 personnel:

- 7
- 8 1. The Superintendent, principal, and the authorized assistants of either shall be authorized
9 to conduct any searches or to seize property on school premises, as further provided in
10 this procedure.
11
 - 12 2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or
13 other container of any kind on school premises contains any item or substance which
14 constitutes an imminent danger to the health and safety of any person or to the property
15 of any person or the District, the administrator is authorized to conduct a search of any
16 car, locker, or container and to seize any such item or substance of any kind on school
17 premises without notice or consent.
18
 - 19 3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
20
 - 21 4. Whenever circumstances allow, any search or seizure authorized in this procedure shall
22 be conducted in the presence of at least one (1) adult witness, and a written record of the
23 time, date, and results shall be made by the administrator. A copy shall be forwarded to
24 the Superintendent as soon as possible.
25
 - 26 5. In any instance where an item or substance is found which would appear to be in
27 violation of the law, the circumstance shall be reported promptly to the appropriate law
28 enforcement agency.
29

30 Policy History:

31 Adopted on: 1st Reading on 6/27/22

32 Reviewed on:

33 Revised on:

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4 Suspension and Expulsion - Corrective Actions and Punishment

5
6 The Board recognizes that every student is entitled to due process rights that are provided by law.

7
8 Suspension

9
10 “Suspension” means the exclusion of a student from attending individual classes or school and
11 participating in school activities for an initial period not exceed ten (10) school days. An administrator
12 may order suspension of a student.

13
14 The procedure set forth below will be followed when a proposed punishment of a student is to include
15 denial of the right of school attendance from any single class or from a full schedule of classes for at least
16 one (1) day.

17
18 Before any suspension is ordered, a building administrator will meet with a student to explain charges of
19 misconduct, and the student will be given an opportunity to respond to the charges.

20
21 When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of
22 disruption to the educational process, a pre-suspension conference will not be required, and an
23 administrator may suspend a student immediately. In such cases, a building administrator will provide
24 notice of and schedule a conference as soon as practicable following the suspension.

25
26 A building administrator will report any suspension immediately to a student’s parent or legal guardian.
27 An administrator will provide a written report of suspension that states reasons for a suspension,
28 including any school rule that was violated, and a notice to a parent or guardian of the right to a review of
29 a suspension. An administrator will send a copy of the report and notice to the Superintendent.

30
31 The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A
32 student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the
33 meeting and after concluding a review, the Superintendent will take such final action as appropriate.

34
35 Upon a finding by a school administrator that the immediate return to school by a student would be
36 detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a
37 student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student
38 is granted an informal hearing with the school administrator prior to the additional suspension, and if the
39 decision to impose the additional suspension does not violate the Individuals with Disabilities Education
40 Act (IDEA) or Rehabilitation Act.

41
42 Students who are suspended from any class or from school entirely have the right to make up any work
43 missed according to the student handbook.

44 Expulsion

45 “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of
46 educational services. Expulsion is a disciplinary action available only to the Board.

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3 The Board, and only the Board, may expel a student from school and may do so only after following due
4 process procedures set forth below.

5
6 The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a
7 recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school
8 days before the date of the scheduled hearing. The notice will include time and place of hearing,
9 information describing the process to be used to conduct the hearing, and notice that the Board intends to
10 conduct the hearing in closed session unless a parent or legal guardian waives the student's right to
11 privacy.

12
13 Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to
14 consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good
15 cause to the Superintendent at least two (2) school days before a hearing date as originally scheduled.
16 The Superintendent will determine if a request shows good cause to reschedule a hearing.

17
18 The student has the right to be present for the duration of the hearing. At hearing the student may be
19 represented by counsel and ask questions, present perspectives, and provide witnesses or documentation.
20 The Board is not bound by formal rules of evidence in conducting the hearing.

21
22 Each school shall maintain a record of any disciplinary action that is educationally related, with
23 explanation, taken against the student. When the Board of Trustees takes disciplinary action against a
24 student, the Board must keep a written record of the action taken, with detailed explanation, even if the
25 disciplinary action is decided during a closed session. A disciplinary action that is educationally related
26 is an action that results in the expulsion or out-of-school suspension of the student. This record must be
27 maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to
28 transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213,
29 MCA.

30 31 Procedures for Suspension and Expulsion of Students With Disabilities

32 The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) and
33 Rehabilitation Act when disciplining students. The Board will not expel any special education student
34 when the student's particular act of gross disobedience or misconduct is a manifestation of the student's
35 disability. The Board may expel pursuant to its expulsion procedures any special education student
36 whose gross disobedience or misconduct is not a manifestation of the student's disability. A disabled
37 student will continue to receive education services as provided in the IDEA or Rehabilitation Act during
38 a period of expulsion.

39
40 A building administrator may suspend a child with a disability from the child's current placement for not
41 more than ten (10) consecutive school days for any violation of school rules, and additional removals of
42 not more than ten (10) consecutive school days in that same school year for separate incidents of
43 misconduct, as long as those removals do not constitute a change of placement under 34 CFR 300.519(b),
44 whether or not a student's gross disobedience or misconduct is a manifestation of a student's disabling
45 condition. Any special education student who has exceeded or who will exceed ten (10) days of
46 suspension may temporarily be excluded from school by court order or by order of a hearing officer, if
47 the District demonstrates that maintaining the student in the student's current placement is substantially
48 likely to result in injury to the student or to others. After a child with a disability has been removed from
49 his or

her placement for more than ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 CFR 300.121(d).

An administrator may remove from current placement any special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or inflicts serious bodily injury on another person while at school on school premises, or at a school function under the jurisdiction. A serious bodily injury is one that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty. The District will place such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	34 CFR 300.519-521	Procedural Safeguards
	§ 20-1-213, MCA	Transfer of School Records
	§ 20-4-302, MCA	Discipline and punishment of pupils –definition of corporal punishment – penalty – defense
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	§ 20-5-105, MCA	Attendance officer – powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-201, MCA	Duties and sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	ARM 10.16.3346	Aversive Treatment Procedures
	ARM 10.55.910	Student Discipline Records
	<i>Goss v. Lopez</i> , 419 US 565 (1975)	
	Section 504 IDEA	

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

3
4 Student Discipline

5
6 The Board grants authority to a teacher or principal to hold a student to strict accountability for
7 disorderly conduct in a school building, on property owned or leased by a school district, on a
8 school bus, on the way to or from school, or during intermission or recess.

9
10 Disciplinary action may be taken against any student guilty of gross disobedience or
11 misconduct, including but not limited to instances set forth below:

- 12
- 13 • Using, possessing, distributing, purchasing, or selling tobacco products, and alternative
14 nicotine and vapor products as defined in 16-11-302, MCA.
 - 15 • Using, possessing, distributing, purchasing, or selling alcoholic beverages, including
16 powdered alcohol. Students who may be under the influence of alcohol will not be
17 permitted to attend school functions and will be treated as though they had alcohol in
18 their possession.
 - 19 • Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs,
20 marijuana, controlled substances, or any substance which is represented to be or looks
21 like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana,
22 alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such
23 substances that contain chemicals which produce the same effect of illegal substances
24 including but not limited to Spice and K2. Students who may be under the influence of
25 such substances will not be permitted to attend school functions and will be treated as
26 though they had drugs in their possession.
 - 27 • Using, possessing, controlling, or transferring a firearm or other weapon in violation of
28 Policy 3311.
 - 29 • Using, possessing, controlling, or transferring any object that reasonably could be
30 considered or used as a weapon as referred to in Policy 3311.
 - 31 • Disobeying directives from staff members or school officials or disobeying rules,
32 violating state or federal law, or not honoring regulations governing student conduct.
 - 33 • Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable
34 conduct toward anyone or urging other students to engage in such conduct.
 - 35 • Causing or attempting to cause damage to, or stealing or attempting to steal, school
36 property or another person's property.
 - 37 • Engaging in any activity that constitutes an interference with school purposes or an
38 educational function or any other disruptive activity.
 - 39 • Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic
40 and habitual truants.
- 41
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- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.
- Records or causes to be recorded a conversation by use of a hidden electronic or mechanical device which may include any combination of audio or video that reproduces a human conversation without the knowledge of all parties to the conversation.
- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to school or school activities, including but not limited to the circumstances set forth below:

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include but are not limited to:

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

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or wellbeing of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

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

- Cross Reference: 3300 Suspension and Expulsion
- 3225 Sexual Harassment of Students
- 3226 Bullying, Harassment
- 5015 Bullying, Harassment

- Legal Reference: § 16-11-302(1)(7), MCA Definitions
- § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty -defense
- § 20-5-202, MCA Suspension and expulsion
- § 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions - Penalties – seizure and forfeiture or return authorized - definitions

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§ 45-5-637, MCA

Possession or consumption of tobacco products, alternative nicotine products, or vapor products by person under 18 years of age is prohibited – unlawful attempt to purchase - penalties

29 U.S.C. § 701

Rehabilitation Act of 1973

§ 45-8-213, MCA

Privacy in communications

Title 16, Chapter 12 MCA

Montana Marijuana Regulation and Taxation

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

3
4 Firearms and Other Weapons

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6 Firearms

7
8 It is the policy of the School District to comply with the federal Gun Free Schools Act of 1994
9 and Section 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a
10 firearm at, any setting that is under the control and supervision of the school district.

11
12 The District does not allow students to possess firearms on District property or at any setting that
13 is under the control and supervision of the District. In accordance with Section 20-5-202 (3),
14 MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a
15 student who is determined to have brought a firearm to, or possess a firearm at, any setting that is
16 under the control and supervision of the District. The Policy does not govern conduct in a
17 student's home, a locked vehicle, a parking lot, or a commercial business when the student is
18 participating in an online, remote, or distance-learning setting. In accordance with Montana law,
19 a student who is determined to have brought a firearm to, or possess a firearm at, any setting that
20 is under the control and supervision of the school district must be expelled from school for a
21 period of not less than 1 year.

22
23 For the purposes of the firearms section of this policy, the term "firearm" means (A) any weapon
24 (including a starter gun) which will or is designed to or may readily be converted to expel a
25 projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any
26 firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4).
27 Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

28
29 However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the
30 underlying circumstances and, in the discretion of the Board, may authorize the school
31 administration to modify the requirement for expulsion of a student.

32
33 A decision to change the placement of a student with a disability who has been expelled pursuant
34 to this section must be made in accordance with the Individuals with Disabilities Education Act.

35
36 Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a
37 clear and timely manner, notify the student if the student is an adult or notify the parent or
38 guardian of a student if the student is a minor that the student may waive the student's privacy
39 interest by requesting that the hearing be held in public and invite other individuals to attend the
40 hearing.

41
42 Before expelling a student under this Policy, the Board shall hold a due process hearing that
43 includes presentation of a summary of the information leading to the allegations and an
44 opportunity for the student to respond to the allegations. The student may not be expelled unless

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4 the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a
5 firearm to school or possessed a firearm at school.
6

7 When a student subject to a hearing is found to have not violated this Policy, the student's school
8 record must be expunged of the incident.
9

10 The provisions of this Policy do not require the Board to expel a student who has brought a
11 firearm to school or possesses a firearm at school if the firearm is secured in a locked container
12 approved by the school district or in a locked motor vehicle the entire time the firearm is at
13 school, except while the firearm is in use for a school-sanctioned instructional activity.
14

15 Possession of Weapons other than Firearms

16 The District does not allow students to possess other weapons on District property or at any
17 setting that is under the control and supervision of the District. Any student found to have
18 possessed, used or transferred a weapon on school property will be subject to discipline in
19 accordance with the District's discipline policy. For purposes of this section, "weapon" means
20 any object, device, or instrument designed as a weapon or through its use is capable of
21 threatening or producing bodily harm or which may be used to inflict self-injury, including but
22 not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs;
23 metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks;
24 mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have
25 been modified to serve as a weapon.
26

27 No student shall possess, use, or distribute any object, device, or instrument having the
28 appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons,
29 including but not limited to weapons listed above which are broken or non-functional, look-alike
30 guns; toy guns; and any object that is a facsimile of a real weapon. No student shall use articles
31 designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors,
32 etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and
33 use of a weapon.
34

35 Definitions, Exceptions and Referral to Law Enforcement

36 The District may refer to law enforcement for immediate prosecution any student who possesses,
37 carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. In
38 addition the District will refer for possible prosecution a parent or guardian of any minor
39 violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a
40 school building. For the purposes of this section of the policy, "school property" means within
41 school buildings, in vehicles used for school purposes, or on owned or leased school land or
42 grounds. "Building" specifically means a combination of any materials, whether mobile,
43 portable, or fixed, to form a structure and the related facilities for the use or occupancy by
44 persons or property owned or leased by a local school district that are used for instruction or for

student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

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

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

Cross Reference:	3310	Student Discipline
	4332	Conduct of School Property
	5332	Personal Suspension and Expulsion

Legal Reference:	§ 20-5-202, MCA	Suspension and Expulsion
	§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
	20 U.S.C. § 7151, et seq.	Gun Free School Act of 1994
	18 U.S.C. § 921	Definitions
	ESSA, Section 4141	Gun Free Requirements

Policy History

Adopted on: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

1 **Roberts Schools**
2 **STUDENTS**

3330

3
4 Use of Alcohol, Nicotine, other Substance-Sensor Device
5

6 Students are prohibited by Montana law and District policy from using or possessing alcoholic,
7 nicotine, or other substances. It is District policy to deter use or possession of controlled
8 substances by students on District property or at school-sponsored or related activities or events,
9 through use of sensors or devices.

10
11 Anytime the Superintendent, another administrator, or a teacher has reasonable suspicion that a
12 student has consumed controlled substances, the student will be given an opportunity to admit or
13 deny consumption of substances. If the student admits consumption, appropriate disciplinary
14 action will be taken under applicable District policies and student handbook provisions,
15 including potential restriction of or exclusion from participation in extra- and cocurricular
16 activities. If a student admits consumption, any discipline measures will be cut in half.

17
18 If the student denies consumption of alcohol, the Superintendent or another District employee
19 designated by the Superintendent may utilize a sensor or device to either confirm consumption or
20 eliminate the suspicion at the parent/guardian expense.

21
22 Confirmation of consumption will result in appropriate disciplinary action under applicable
23 District policies and student handbook provisions, including potential restriction of participation
24 in or exclusion from extra- and cocurricular activities.

25
26 If the student refuses to submit to testing for the presence of controlled substances, the District
27 will assume consumption in determining whether District policy has been violated.

28
29 Cross Reference: 1312 Administrative Procedures
30 3300 Suspension and Expulsion
31 3310 Corrective Actions and Punishment
32 3340 Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
33

34 Legal Reference: § 20-5-201, MCA Duties and sanctions
35 § 45-5-624, MCA Unlawful attempt to purchase or possession of
36 intoxicating substance –interference with sentence
37 Or court order

38 Policy History:

39 Adopted on: 1st Reading on 7/19/2022

40 Reviewed on:

41 Revised on:

1 **Robert School District**

2 **STUDENTS**

3340

3
4 Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use

5
6 The District views participation in extracurricular activities as an opportunity extended to
7 students willing to make a commitment to adhere to the rules which govern them. The District
8 believes that participation in organized activities can contribute to all-around development of
9 young men and women and that implementation of these rules will serve these purposes:

10
11 Emphasize concern for the health and well-being of students while participating in activities;

12
13 Provide a chemical-free environment which will encourage healthy development;

14
15 Diminish chemical use by providing an education assistance program;

16
17 Promote a sense of self-discipline among students;

18
19 Confirm and support existing state laws which prohibit use of mood-altering chemicals;

20
21 Emphasize standards of conduct for those students who, through their participation, are leaders
22 and role models for their peers and younger students; and

23
24 Assist students who desire to resist peer pressure that often directs them toward the use of
25 chemicals.

26
27 Violations of established rules and regulations governing chemical use by participants in extra-
28 and co-curricular activities will result in discipline as stated in student handbook.

29
30
31
32 Legal Reference: § 20-5-201, MCA Duties and sanctions

33
34 Policy History:

35 Adopted on: 1st Reading on 7/19/2022

36 Reviewed on:

37 Revised on:

3 Management of Sports Related Concussions

4
5 The Roberts School District recognizes that concussions and head injuries are commonly
6 reported injuries in children and adolescents who participate in sports and other recreational
7 activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a
8 concussion or head injury is not properly evaluated and managed. Therefore, all K-12
9 competitive sport athletic activities in the District will be identified by the administration.

10 Consistent with guidelines provided by the U.S. Department of Health and Human Services,
11 Centers for Disease Control and Prevention, the National Federation of High School (NFHS) and
12 the Montana High School Association (MHSA), the District will utilize procedures developed by
13 the MHSA and other pertinent information to inform and educate coaches, athletic trainers,
14 officials, youth athletes, and their parents and/or guardians of the nature and risk of concussions
15 or head injuries, including the dangers associated with continuing to play after a concussion or
16 head injury. Resources are available on the Montana High School Association Sports Medicine
17 page at www.mhsa.org; U.S. Department of Health and Human Services page at: www.hhs.gov;
18 and; the Centers for Disease and Prevention page at www.cdc.gov/concussion/sports.index.html.

19
20 Annually, the district will distribute a head injury and concussion information and sign-off sheet
21 to all parents and guardians of student-athletes in competitive sport activities prior to the student
22 athlete's initial practice or competition.

23 All coaches, athletic trainers, officials, including volunteers participating in organized
24 youth athletic activities, shall complete the training program at least once each school year
25 as required in the District procedure. Additionally, all coaches, athletic trainers, officials,
26 including volunteers participating in organized youth athletic activities will comply with all
27 procedures for the management of head injuries and concussions.

28
29 Reference: Montana High School Association, Rules and Regulations
30 Section 4, Return to Play

31 Legal Reference: Dylan Steigers Protection of Youth Athletes Act
32 20-7-1301, MCA Purpose
33 20-7-1302, MCA Definitions
34 20-7-1303, MCA Youth athletes – concussion education requirements
35 20-7-1304, MCA Youth athletes – removal from participation
36 following concussion – medical clearance required
37 before return to participation

38 Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement

39 Policy History:

40 Adopted on: 1st Reading on 7/19/2022

41 Reviewed on:

42 Revised on:

1 **Roberts School District**
2 **STUDENTS**

3416

3
4 Administering Medication to Students

5 “Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food
6 and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter
7 medications prescribed through a standing order by an authorized physician or prescribed by the
8 student’s healthcare provider.

9
10 Except in an emergency situation, only a qualified healthcare professional may administer a
11 drug or a prescription drug to a student under this policy. Diagnosis and treatment of illness
12 and the prescribing of drugs are never the responsibility of a school employee and should not
13 be practiced by any school personnel.

14
15 Administering Medication

16 The Board shall permit administration of medication to students in schools in its jurisdiction. A
17 school nurse or other employee who has successfully completed specific training in
18 administration of medication, pursuant to written authorization of a physician or dentist and that
19 of a parent, an individual who has executed a caretaker relative educational authorization
20 affidavit, or guardian, may administer medication to any student in the school or may delegate
21 this task pursuant to Montana law.

22
23 Emergency Administration of Medication

24 In the event of an emergency, a school nurse or trained staff member, exempt from the nursing
25 license requirement under § 37-8-103(1)(c), MCA, may administer emergency medication to any
26 student in need thereof on school grounds, in a school building, at a school function, or on a
27 school bus according to a standing order of an authorized physician or a student’s private
28 physician. In the event that emergency medication is administered to a student, the school nurse
29 or staff member shall call emergency responders and notify the student’s parents/guardians. A
30 building administrator or school nurse shall enter any medication to be administered in an
31 emergency on an individual student medication record and retain the documentation.

32
33 Assisting Students with Self-Administration of Medication

34 A building principal or other school administrator may authorize, in writing, any school
35 employee:

36
37 To assist in self-administration of any drug that may lawfully be sold over the counter without a
38 prescription to a student in compliance with the written instructions and with the written consent
39 of a student’s parent or guardian; and To assist in self-administration of a prescription drug to a
40 student in compliance with written instructions or standing order of an authorized physician or a
41 student’s private physician and with the written consent of a student’s parent or guardian.

A school employee authorized, in writing, assist students with self-administration of medications, may only rely on the following techniques:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.
- Other guidance or restrictions previously provided in writing to the school by a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file.

Self-Administration or Possession of Asthma, Severe Allergy, or Anaphylaxis Medication

Students with allergies or asthma may be authorized by the building principal or Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
- The student shall have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider shall specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for

1
2
3 the current school year only and shall be renewed annually. A student's authorization to
4 possess and self-administer medication may be limited or revoked by the building principal or
5 other administrative personnel.
6

7 If provided by the parent, an individual who has executed a caretaker relative educational
8 authorization affidavit, or guardian, and in accordance with documentation provided by the
9 student's doctor, backup medication shall be kept at a student's school in a predetermined
10 location or locations to which the student has access in the event of an asthma, severe allergy, or
11 anaphylaxis emergency.
12

13 Immediately after using epinephrine during school hours, a student shall report to the school
14 nurse or other adult at the school who shall provide follow up care, including making a call to
15 emergency responders.
16

17 Self-Administration of Other Medication

18

19 The District shall permit students who are able to self-administer specific medication to do so
20 provided that all of the following have occurred:

- 21 • A physician, dentist, or other licensed health care provider provides a written
22 order for self-administration of said medication;
- 23 • Written authorization for self-administration of medication from a student's
24 parent, an individual who has executed a caretaker relative educational
25 authorization affidavit, or guardian is on file; and
- 26 • A principal and appropriate teachers are informed that a student is self-
27 administering prescribed medication.

28 Administration of Glucagons

29

30 School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-
31 412, MCA, only under the following conditions: (1) the employee may administer glucagon to a
32 diabetic student only in an emergency situation; (2) the employee has filed the necessary
33 designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA,
34 and (3) the employee has filed the necessary written documentation of training with the District,
35 as required by § 20-5-412(4), MCA. Designation of staff is to be made by a parent, and individual
36 who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student, and
37 school employees are under no obligation to agree to designation. Glucagon is to be provided by the
38 parent or guardian. All documentation shall be kept on file.
39

40 Handling and Storage of Medications

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42

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2
3 The Board requires that all medications, including those approved for keeping by students for
4 self-medication, be first delivered by a parent, an individual who has executed a caretaker
5 relative educational authorization affidavit, or other responsible adult to a nurse or employee
6 assisting with self-administration of medication. A nurse or assistant:
7

- 8 • Shall examine any new medication to ensure it is properly labeled with dates,
9 name of student, medication name, dosage, and physician's name;
- 10 • Shall develop a medication administration plan, if administration is necessary for
11 a student, before any medication is given by school personnel;
- 12 • Shall record on the student's individual medication record the date a medication is
13 delivered and the amount of medication received;
- 14 • Shall store medication requiring refrigeration at 36° to 46° F;
- 15 • Shall store prescribed medicinal preparations in a securely locked storage
16 compartment; and
- 17 • Shall store controlled substances in a separate compartment, secured and locked
18 at all times.
- 19 • All non-emergency medication shall be kept in a locked, nonportable container,
20 stored in its original container with the original prescription label. Epinephrine,
21 naloxone, and student emergency medication may be kept in portable containers
22 and transported by the school nurse or other authorized school personnel.
- 23 • Food is not allowed to be stored in refrigeration unit with medications.
- 24 • Shall notify the building administrator, school district nurse, and parent or
25 guardian of any medication error and document it on the medication
26 administration record.

27
28 The District shall permit only a forty-five-(45)-school-day supply of a medication for a student to
29 be stored at a school; and all medications, prescription and nonprescription, shall be stored in their
30 original containers.

31
32 The District shall limit access to all stored medication to those persons authorized to administer
33 medications or to assist in the self-administration of medications. The District requires every
34 school to maintain a current list of those persons authorized by delegation from a licensed nurse
35 to administer medications.

36
37 The District may maintain a stock supply of auto-injectable epinephrine to be administered by a
38 school nurse or other authorized personnel to any student or nonstudent as needed for actual or
39 perceived anaphylaxis. If the district intends to obtain an order for emergency use of pinephrine
40 in a school setting or at related activities, the district shall adhere to the requirements stated in
41
42

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3
4 law.

5 The District may maintain a stock supply of an opioid antagonist to be administered by a school
6 nurse or other authorized personnel to any student or nonstudent as needed for an actual or
7 perceived opioid overdose. A school that intends to obtain an order for emergency use of an
8 opioid antagonist in a school setting or at related activities shall adhere to the requirements in
9 law.

10
11 Disposal of Medication, Medical Equipment, Personal Protective Equipment

12 The District requires school personnel either to return to a parent, an individual who has
13 executed a caretaker relative educational authorization affidavit, or guardian or, with permission
14 of the parent, an individual who has executed a caretaker relative educational authorization
15 affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school
16 nurse, in the presence of a witness, shall destroy any medicine not repossessed by a parent or
17 guardian within a seven-(7)-day period of notification by school authorities.

18
19 Medical sharps shall be disposed of in an approved sharps container. Building administrators
20 should contact the school nurse or designated employee when such a container is needed. Sharps
21 containers are to be kept in a secure location in the school building. Disposal of sharps container,
22 medical equipment, and personal protective equipment is the responsibility of the school nurse or
23 designated employee in accordance with the Montana Infectious Waste Management Act and the
24 manufacture guidelines specific to the container or equipment.

25	Legal Reference:	§ 20-5-412, MCA	Definition – parent-designated adult
26			administration of glucagons – training
27		§ 20-5-420, MCA	Self-administration or possession of asthma,
28			severe allergy, or anaphylaxis medication
29		§ 20-5-421, MCA	Emergency use of epinephrine in school
30			setting
31		§ 37-8-103(1)(c), MCA	Exemptions – limitations on authority
32		ARM 24.159.1601, et seq	Delegation of Nurse Duties
33		§ 20-5-426, MCA	Emergency use of an opioid antagonist in
34			school setting – limit on liability
35		§ 75-10-1001, et seq	Infectious Waste Management Act
36		37.111.812, ARM	Safety Requirements
37		10.55.701(s), ARM	Board of Trustees
38			

39 Policy History:

40 Adopted on: 3/19/2010

41 Reviewed on:

42 Revised on: 7/19/2022

Communicable Diseases

Note: For purposes of this policy, the term “communicable disease” refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.

In all proceedings related to this policy, the District shall respect a student’s right to privacy. All applicable district policies and handbook provision governing confidentiality of student medical information remain in full effect.

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 District shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use cloth towels are prohibited. Sanitary napkin disposal shall be provided for girls of age ten or older and in teachers' toilet rooms and nurses' toilet rooms. The District shall provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some other readily available on-site access to sanitary napkins.

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 shall 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 shall manage common communicable diseases in accordance with DPHHS guidelines and communicable diseases control rules. If a student develops symptoms of any reportable communicable or infectious illness as defined while at school, the responsible school officials shall do the following:

- (a) isolate the student immediately from other students or staff; and
- (b) inform the parent or guardian as soon as possible about the illness and request him or her to pick up the student.; and
- (c) consult with a physician, other qualified medical professional, or the local county health authority to determine if report the case should be reported to the local health officer.

Students who express feelings 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 may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be provided during the period of absence in accordance with Policy 2050. The District reserves the right to require a statement from a student's primary care provider authorizing a student's return to onsite instruction.

When information is received by a staff member or a volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify a school nurse or other responsible person designated by the Board to determine appropriate measures to be taken to protect student and staff health and safety. A school nurse or other responsible person designated by the Board, after consultation with and on advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation shall be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.

The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

Healthy Hand Hygiene Behavior

All students, staff, and others present in the any school building shall engage in hand hygiene at the following times, which include but are not limited to:

- (a) Arrival to the facility and after breaks
- (b) Before and after preparing, eating, or handling food or drinks
- (c) Before and after administering medication or screening temperature
- (d) After coming in contact with bodily fluid
- (e) After recess
- (f) After handling garbage
- (g) After assisting students with handwashing
- (h) After use of the restroom

Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and water are not readily available.

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control
37.111.825, ARM Health Supervision and Maintenance

Policy History:

Adopted on: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

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. A principal 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. A principal or designated staff member will 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 the 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 a principal 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: 1st Reading on 7/19/2022

Reviewed on:

Revised on:

1 **Roberts School District**
2 **STUDENTS**

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3520
Page 1 of 2

3
4
5 Student Fees and Fines

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

9
10 Fees

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

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

22
23 Fines

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

28
29 Withholding and Transferring Records for Unpaid Fines or Fees

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

35
36 In the event a student is responsible for the cost of school materials or the loss or damage of
37 school property transfers to another school district in the state and the District has decided to
38 withhold the student's grades, diploma, or transcripts from the student and the student's parent or
39 guardian, the District shall:

1. forward appropriate grades or transcripts to the school district to which the student has transferred.
2. at the same time, notify the school district to which the student has transferred of any financial obligation of the student and request the withholding of the student's grades, diploma, or transcripts until any obligations are met;
3. when the student or the-student's parent or guardian satisfies the obligation, inform the school district to which the student has transferred.

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

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: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

1 **Roberts School District**
2 **STUDENTS**

3600

3
4 Student Records

5
6 School student records are confidential, and information from them will not be released other
7 than as provided by law. State and federal laws grant students and parents certain rights,
8 including the right to inspect, copy, and challenge school records.

9
10 The District will ensure information contained in student records is current, accurate, clear, and
11 relevant. All information maintained concerning a student receiving special education services
12 will be directly related to the provision of services to that child. The District may release
13 directory information as permitted by law, but parents will have the right to object to release of
14 information regarding their child. Military recruiters and institutions of higher education may
15 request and receive the names, addresses, and telephone numbers of all high school students,
16 unless the parent(s) notifies the school not to release this information.

17
18 The Superintendent will implement this policy and state and federal law with administrative
19 procedures. The Superintendent or designee will inform staff members of this policy and inform
20 students and their parents of it, as well as of their rights regarding student school records.

21
22 Each student's permanent file, as defined by the board of public education, must be permanently
23 kept in a secure location. Other student records must be maintained and destroyed as provided in
24 20-1-212, MCA.

25
26 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R.
27 99
28 § 20-1-212, MCA Destruction of records by school officer.
29 § 20-5-201, MCA Duties and sanctions
30 § 40-4-225, MCA Access to records by parent
31 10.55.909, ARM Student Records

32
33 Policy History:

34 Adopted on: 1st Reading 7/19/2022

35 Reviewed on:

36 Revised on:

1 **Roberts School District**

2 **STUDENTS**

3600F1

page 1 of 5

3
4 Student Records

5
6 Notification to Parents and Students of Rights Concerning a Student's School Records

7
8 *This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

9
10 The District will maintain two (2) sets of school records for each student: a permanent record
11 and a cumulative record. The permanent record will include:

- 12
- 13 Basic identifying information
- 14 Academic work completed (transcripts)
- 15 Level of achievement (grades, standardized achievement tests)
- 16 Immunization records (per § 20-5-506, MCA)
- 17 Attendance record
- 18 Statewide student identifier assigned by the Office of Public Instruction
- 19 Record of any disciplinary action taken against the student, which is educationally related
- 20

21 The cumulative record may include:

- 22
- 23 Intelligence and aptitude scores
- 24 Psychological reports
- 25 Participation in extracurricular activities
- 26 Honors and awards
- 27 Teacher anecdotal records
- 28 Verified reports or information from non-educational persons
- 29 Verified information of clear relevance to the student's education
- 30 Information pertaining to release of this record
- 31 Disciplinary information
- 32

33 The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students
34 over eighteen (18) years of age ("eligible students") certain rights with respect to the student's
35 education records. They are:

- 36
- 37 1. **The right to inspect and copy the student's education records, within a reasonable**
38 **time from the day the District receives a request for access.**
- 39
- 40

1
2
3 “Eligible” students, who are eighteen (18) years of age or older, have the right to inspect
4 and copy their permanent record. Parents/guardians or “eligible” students should submit
5 to the school principal (or appropriate school official) a written request identifying the
6 record(s) they wish to inspect. The principal will make, within forty-five (45) days,
7 arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the
8 time and place the records may be inspected. The District charges a nominal fee for
9 copying, but no one will be denied their right to copies of their records for inability to
10 pay this cost.

11
12 The rights contained in this section are denied to any person against whom an order of
13 protection has been entered concerning a student.

14
15 **2. The right to request amendment of the student’s education records which the**
16 **parent(s)/guardian(s) or eligible student believes are inaccurate, misleading,**
17 **irrelevant, or improper.**

18
19 Parents/guardians or eligible students may ask the District to amend a record they believe
20 is inaccurate, misleading, irrelevant, or improper. They should write the school principal
21 or records custodian, clearly identifying the part of the record they want changed, and
22 specify the reason.

23
24 If the District decides not to amend the record as requested by the parent(s)/guardian(s)
25 or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of
26 the decision and advise him or her of their right to a hearing regarding the request for
27 amendment. Additional information regarding the hearing procedures will be provided
28 to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

29
30 **3. The right to permit disclosure of personally identifiable information contained in**
31 **the student’s education records, except to the extent that FERPA or state law**
32 **authorizes disclosure without consent.**

33
34 Disclosure is permitted without consent to school officials with legitimate educational or
35 administrative interests. A school official is a person employed by the District as an
36 administrator, supervisor, instructor, or support staff member (including health or
37 medical staff and law enforcement unit personnel); a person serving on the Board; a
38 person or company with whom the District has contracted to perform a special task (such
39 as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside
40 parties to whom an educational agency or institution has outsourced institutional services
41 or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s)

or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**
5. **The right to prohibit the release of directory information concerning the parent's/guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level

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4 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
5 Participation in officially recognized activities and sports
6 Weight and height of members of athletic teams
7 Degrees
8 Honors and awards received
9 Most recent educational agency or institution attended

10
11 *Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above*
12 *information by delivering written objection to the building principal within ten (10) days*
13 *of the date of this notice. No directory information will be released within this time*
14 *period, unless the parent(s)/guardian(s) or eligible student are specifically informed*
15 *otherwise. When a student transfers, leaves the District, or graduates, the school must*
16 *continue to honor a decision to opt-out, unless the parent or student rescinds the*
17 *decision.*

18
19 A parent or student 18 years of age or an emancipated student, may not opt out of
20 directory information to prevent the district from disclosing or requiring a student to
21 disclose their name [identifier, institutional email address in a class in which the student
22 is enrolled] or from requiring a student to disclose a student ID card or badge that
23 exhibits information that has been properly designated directory information by the
24 district in this policy.

25
26 **6. The right to request that information not be released to military recruiters and/or**
27 **institutions of higher education.**

28
29 Pursuant to federal law, the District is required to release the names, addresses, and
30 telephone numbers of all high school students to military recruiters and institutions of
31 higher education upon request.

32
33 Parent(s)/guardian(s) or eligible students may request that the District not release this
34 information, and the District will comply with the request.

35
36 **7. The right to file a complaint with the U.S. Department of Education, concerning**
37 **alleged failures by the District to comply with the requirements of FERPA.**

38
39 The name and address of the office that administers FERPA is:

40
41 Family Policy Compliance Office

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U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on:

7/19/2022

3
4 Transfer of Student Records

5
6 The District will forward by mail or by electronic means a certified copy of a permanent or
7 cumulative file of any student and a file of special education records of any student to a local
8 educational agency or accredited school in which a student seeks to or intends to enroll within
9 five (5) working days after receipt of a written or electronic request. The files to be forwarded
10 must include education records in a permanent file – that is, name and address of a student, name
11 of parent or legal guardian, date of birth, academic work completed, level of achievement
12 (grades, standardized tests), immunization records, special education records, and any
13 disciplinary actions taken against a student that are educationally related.

14
15 When the District cannot transfer records within five (5) days, the District will notify a
16 requestor, in writing or electronically, and will provide reasons why the District is unable to
17 comply with a five-(5)-day time period. The District also will include in that notice the date by
18 which requested records will be transferred. The District will not refuse to transfer records
19 because a student owes fines or fees.

20
21 Cross Reference: 3600 Student Records
22 3606F Records Cerification

23
24 Legal Reference: § 20-1-213, MCA Transfer of school records

25
26 Policy History:

27 Adopted on: 3/9/2010

28 Reviewed on: 7/19/2022

29 Revised on:

30

STUDENTS

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:

- Superintendent
- Administrative Assistant
-

When the District receives information pursuant to law, the Superintendent 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: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

4 District-Provided Access to Electronic Information, Services, Equipment, and Networks

6 General

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

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

18 Curriculum

19 Use of District equipment and electronic networks will be consistent with the curriculum
20 adopted

21 by the District, as well as with varied instructional needs, learning styles, abilities, and
22 developmental levels of students, and will comply with selection criteria for instructional
23 materials and library materials. Staff members may use the Internet throughout the curriculum,
24 consistent with the District’s educational goals.

26 Acceptable Uses

- 27
- 28 1. Educational Purposes Only. All use of the District’s equipment and electronic network
29 must be: (1) in support of education and/or research, and in furtherance of the District’s
30 stated educational goals; or (2) for a legitimate school business purpose. Use is a
31 privilege, not a right. Students and staff members have no expectation of privacy in any
32 materials that are stored, transmitted, or received via the District’s electronic network or
33 District computers. The District reserves the right to monitor, inspect, copy, review, and
34 store, at any time and without prior notice, any and all usage of the equipment and
35 computer network, and Internet access and any and all information transmitted or
36 received in connection with such usage.
 - 37
38 2. Unacceptable Uses of Equipment and Network. The following are considered
39 unacceptable uses and constitute a violation of this policy:
 - 40
41 A. Uses that violate the law or encourage others to violate the law, including but not
42 limited to transmitting offensive or harassing messages; offering for sale or use
43 any substance the possession or use of which is prohibited by the District’s
44 student

discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.

- B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
- C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
- D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

Warranties/Indemnification

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

Violations

Violation of this policy will result in a loss of access and may result in other disciplinary or legal action. The principal will make all decisions regarding whether a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Policy History:

Adopted on: 3/9/2010

Reviewed on:

Revised on: 7/19/2022

1 **Roberts School District**
2 **COMMUNITY RELATIONS**

4000

3
4 Goals

5
6 The Board, through the leadership of the Superintendent and with the assistance of the total staff,
7 will seek to enhance the District's community relations by striving to achieve the following
8 goals:

- 9
10 1. To encourage and enhance communications, understanding, trust, and mutual support
11 between the District and the people it serves;
12
13 2. To increase both the quality and quantity of public participation in school affairs,
14 activities, and programs;
15
16 3. To strengthen and improve relations and interactions among staff, trustees, citizens,
17 parents, and students;
18
19 4. To promote understanding and cooperation between the schools and community groups.
20
21
22

23 Legal Reference: 10.55.701, ARM Board of Trustees
24 10.55.801, ARM School Climate
25

26 Policy History:

27 Adopted on: Projected final reading 10/19/2022

28 Reviewed on:

29 Revised on:
30

1 **Roberts School District**
2 **COMMUNITY RELATIONS**

R
4120

3
4 Public Relations

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

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

16
17 The District may solicit community opinion through parent organizations, parent-teacher
18 conferences, open houses, and other events or activities which may bring staff and citizens
19 together.

20
21
22
23 Legal Reference: Art. II, Sec. 8, Montana Constitution - Right of participation
24 Art. II, Sec. 9, Montana Constitution - Right to know

25
26 Policy History:

27 Adopted on: 3/9/2010

28 Reviewed on:

29 Revised on: 8/15/2022

30

3
4 District Social Media Presence
5

6 The District social media accounts are provided for communication with the community. The
7 School District will update these accounts as often as possible to share as much as necessary
8 about the School District and the achievements of the students and staff as well as other relevant
9 district community information.

10
11 All posting of comments on these accounts are at the discretion of the page administrators. The
12 intent of this policy is to protect the privacy and rights of School District's staff and students.
13 The account administrators will review all postings to make sure they do not violate the rules of
14 the District's Acceptable Use Guidelines regarding Internet access and practices. All posts will
15 be accompanied by an explanation of how to communicate with the School District in a manner
16 consistent with District policy.

17
18 The School District uses social media in conjunction with the School District's website. Staff
19 members assigned to access/post information are:

- 20
21 1) Superintendent
22 2) Other Staff with Written Approval from the Superintendent
23

24 These staff members will complete training as needed to ensure use of the social media is
25 consistent with this and other District policies.

26
27 The Board authorizes the Superintendent to take necessary steps to implement this policy.
28

29 Policy History:

30 Adopted on: Projected final reading 10/19/2022

31 Reviewed on

32 Revised on:

3
4
5 School-Support Organizations, Boosters and Fundraising

6
7 The Board recognizes that parent, teacher, and student organizations are a helpful resource for
8 schools and supports their formation and vitality. While parent, teacher, and student organizations
9 have no administrative authority and cannot determine District policy, their suggestions and
10 assistance are always welcome.

11
12 School-Support Organizations

13
14 Parent or booster organizations are recognized by the Board and permitted to use the District's
15 name, a District school's name, or a District school's team name or any logo attributable to the
16 District, provided they first receive the Board's approval during a duly constituted Board
17 meeting. Unauthorized use of the District school's team name, logo, or imagery is strictly
18 prohibited. The District reserves the right to seek all available legal remedies for unauthorized
19 use of the District school's name, logo, or imagery.

20
21 In order for the School District to comply with the federal law, state law and MHSAs By-Laws,
22 Rules and Regulations, Board recognition as a parent or booster organization along with consent
23 to use one of the above-mentioned names or logos will be granted if the organization has
24 approved and submitted bylaws containing the following:

- 25
- 26 1. The organization's name and purpose. Acceptable purposes may include enhancement of
27 students' educational experiences, assistance to meet educational needs of students,
28 support of academic clubs, or enrichment of extracurricular activities.
 - 29
 - 30 2. The rules and procedures under which it operates.
 - 31
 - 32 3. A statement that the membership will adhere to applicable Board policies and
33 administrative procedures when working on District premises or with District officials or
34 programs.
 - 35
 - 36 4. A statement that membership is open and unrestricted and the organization will not
37 engage in discrimination based on someone's innate characteristics or membership in a
38 protected classification.
 - 39
 - 40 5. A statement that the District is not, and will not be, responsible for the organization's
41 business or the conduct of its members.
 - 42
 - 43 6. A designation of the organization's treasurer. A statement that the organization will
44 maintain finances consistent with General Finance Principles in a manner open to review
45 by any member of the organization or the school district.

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster organizations may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organizations recommendation.

8. A recognition that the School District reserves the right to reject any and all donations.

Permission to use one of the above-mentioned names, logos or imagery may be suspended by the administration and rescinded by the Board for failure to comply with this policy. Authorization to use one of the above-mentioned names, logos, or imagery does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent or booster organization, regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos.² The Superintendent shall designate an administrative staff member to serve as the liaison to parent or booster organization. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff may be encouraged to participate in the organizations.

Individual Boosters or Donors

Individual boosters or donors not covered by the bylaws of an organization governed by this policy may still assist in school operations. The Board encourages the involvement of local communities in school activities and operations. In order for the School District to comply with the federal law, state law and MHSA By-Laws, Rules and Regulations, individual boosters or donors must honor the following provisions:

1. The individual must have prior approval must be granted by the Board for use of the District's name, logo, or imagery.
2. The individual must comply with Board policies and administrative procedures when submitting donations.
3. The individual may not violate federal law, state law, District policy or MHSA By-Laws, Rules and Regulations.
4. The individual acknowledges the District is not, and will not be, responsible for the individual booster or donor's business or their conduct.
5. The individual acknowledges that donations cannot be earmarked for any particular expense. Individual boosters or donors may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion in accordance with applicable laws. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede any individual's recommendation.
6. The District reserves the right to reject any and all donations.

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Fundraising

All donations completed by recognized organizations are subject to applicable School District policies regarding financial management. Funding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. The District reserves the right to reject any and all donations.

All funds raised by recognized organizations that are donated to the School District become public funds when placed in a School District account. All public funds must be monitored in accordance with state law. Donations must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy. Donations may be conditional under state law if conditions are in compliance.

Funds spent by the School District will be done in accordance with District purchase order policy and spending limits regardless of the source of the donation. All expenditures should be preapproved to ensure equity and auditing standards are met.

Legal Reference:	§ 20-6-601, MCA	Power to accept gifts
	§ 2-2-102 (2)(3), MCA	Definitions
	§ 2-2-104, MCA	Rules of conduct for public officers, legislators and public employees

Policy History:

- Adopted on: Projected final reading 10/19/2022
- Reviewed on:
- Revised on:

1 **Roberts School District**
2 **COMMUNITY RELATIONS**

4301

3
4 Visitors to Schools

5
6 The District welcomes visits by parents and citizens to all District buildings. All visitors shall
7 report to the principal's office on entering any District building and comply with any other
8 applicable school safety and security policy, procedure, or protocol. School visitors shall not
9 interfere with school operations or delivery of educational services to students. Conferences with
10 teachers should be held outside school hours or during the teacher's conference or preparation
11 time.

12
13 Policy History:

14 Adopted on: 3/9/2010

15 Reviewed on:

16 Revised on: 8/15/2022

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Roberts School District
COMMUNITY RELATIONS

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4310

Public Complaints and Suggestions

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District administrator. Each complaint or 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: 3/9/2010

Reviewed on:

Revised on: 8/15/2022

3
4 Visitor and Spectator Conduct
5

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

- 10 • Using vulgar or obscene language or gestures;
- 11 • Possessing or being under the influence of any alcoholic beverage;
- 12 • Possessing or consuming any illegal substance or marijuana;
- 13 • Possessing a weapon or firearm in violation of Policy 4332;
- 14 • Fighting or otherwise striking or threatening another person;
- 15 • Failing to obey instructions of a security officer or District employee; and
- 16 • Engaging in any illegal or disruptive activity.
- 17 • Other violations of District Policy.

18
19 The Superintendent is authorized to temporarily restrict access to school buildings or property
20 and recommend to the Board of Trustees denial of future admission to any person by delivering
21 or mailing a notice by certified mail with return receipt requested, containing:
22

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

27 Cross Reference: 4301 Visitors to School
28 4332 Conduct on School Property
29 Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
30 § 20-4-303, MCA Abuse of teachers
31 § 45-8-101, MCA Disorderly conduct
32 § 45-8-351, MCA Restriction on Local Government Regulation of
33 Firearms
34 Article X, section 8 Montana Constitution
35 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”
36 January 1, 2021

37 Policy History

38 Adopted on: Projected final reading 10/19/2022

39 Reviewed on:

40 Revised on:

3
4 Accommodating Individuals With Disabilities

5
6 Individuals with disabilities will be provided opportunity to participate in all school-sponsored
7 services, programs, or activities on a basis equal to those without disabilities and will not be
8 subject to illegal discrimination.

9
10 The District may provide auxiliary aids and services when necessary, to afford individuals with
11 disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or
12 activity.

13
14 The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and, in
15 that capacity, is directed to:

- 16 1. Oversee District compliance efforts, recommend necessary modifications to the Board,
17 and maintain the District's final Title II self-evaluation document and keep it available
18 for public inspection for at least three (3) years after its completion date (*for districts*
19 *having fifty (50) or more full- or part-time employees*).
- 20 2. Institute plans to make information regarding Title II protection available to any
21 interested party.

22
23 An individual with a disability should notify the Superintendent or building principal if they
24 have a disability which will require special assistance or services and what services are required.
25 This notification should occur as far as possible before the school-sponsored function, program,
26 or meeting.

27
28 Individuals with disabilities may allege a violation of this policy or of federal law by reporting
29 it to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Uniform
30 Complaint Procedure.

31
32 Cross Reference: 1700 Uniform Complaint Procedure

33
34 Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and
35 12131, et seq.; 28 C.F.R. Part 35.

36 Policy History:

37 Adopted on: 3/9/2010

38 Reviewed on:

39 Revised on: 8/15/2022

1 **Roberts School District**
2 **COMMUNITY RELATIONS**

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4330

3
4 Community Use of School Facilities
5

6 School facilities are available to the community for educational, civic, cultural, and other
7 noncommercial uses consistent with the public interest, when such use will not interfere with the
8 school program or school-sponsored activities. Use of school facilities for school purposes has
9 precedence over all other uses. Persons on school premises must abide by District conduct rules
10 at all times.

11
12 Student and school-related organizations shall be granted the use of school facilities at no cost.
13 Other organizations granted the use of school facilities shall pay fees and costs. The
14 Superintendent will develop procedures to manage community use of school facilities, which
15 will be reviewed and approved by the Board. Use of school facilities requires the
16 Superintendent's approval and is subject to the procedures.

17
18 Administration will approve and schedule various uses of school facilities. A master calendar
19 will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a
20 conflict arise, the District reserves the right to cancel an approved request when it is determined
21 that the facilities are needed for school purposes. Requests for use of school facilities must be
22 submitted to the Superintendent's office in advance of the event.

23
24 The School Facilities and Grounds Use and Liability Release Agreement can be obtained by
25 contacting the District Office. The School Facilities and Grounds Use and Liability Release
26
27 Agreement must be completed, signed, and returned to the Superintendent prior to the use of the
28 facilities or grounds.

29
30 Legal Reference: § 20-7-805, MCA Recreational use of school facilities secondary
31 *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 113 S.Ct.
32 2141
33

34 Policy History:

35 Adopted on: 3/9/2010

36 Reviewed on:

37 Revised on: 8/15/2022

1 **Roberts School District**
2 **COMMUNITY RELATIONS**

3
4 Conduct on School Property

5
6 General Conduct

7
8 In addition to prohibitions stated in other District policies, a person on school property who is not an
9 enrolled student or District employee shall not:

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

23
24 For the purposes of this policy, "school property" means within school buildings, in vehicles used for
25 school purposes, or on owned or leased school land or grounds. District administrators are authorized to
26 appropriate action, as circumstances warrant, to enforce this section of the policy including but not
27 limited to requesting the assistance of law enforcement in accordance with Montana law.

28
29 Firearms and Weapons

30
31 A person who is not an enrolled student or District employee shall not possess any firearm or other
32 nonfirearm weapon in a school building at any time.

33
34 For the purposes of this policy, the term "firearm" means (A) any weapon which will or is designed to or
35 may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of
36 any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to
37 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

38
39 For purposes of this policy, "non-firearm weapon" means any object, device, or instrument designed as a
40 weapon or through its use is capable of intimidating, threatening or producing bodily harm or which may
41 be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile
42
43

weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

This section does not apply to a law enforcement officer acting in the officer’s official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

For the purposes of this policy, “School building” means an enclosed structure with external walls and a roof owned or leased by a local school district that are used for instruction or for student activities as specified in ARM 42.4.201(2) and Section 45-8-361, MCA. The term is construed to exclude all stadiums, bleachers, and other similar outdoor facilities.

Legal Reference:	Pro-Children Act of 1994, 20 U.S.C. § 6081
	Smoke Free School Act of 1994
	16-11-302, MCA Definitions
	§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
	§ 20-1-206, MCA Disturbance of School
	§ 20-5-410, MCA Civil penalty
	§ 45-6-201, MCA Definition of enter or remain unlawfully
	§ 45-8-101, MCA Disorderly conduct
	§ 45-8-102, MCA Failure of disorderly persons to disperse
	§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms
	§ 45-8-361, MCA Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions.
	Article X, section 8 Montana Constitution
	Initiative 190 – “Montana Marijuana Regulation and Taxation Act.” January 1, 2021

Policy History:

Adopted on: Projected final reading 10/19/2022

Reviewed on:

Revised on:

1 Roberts School District
2 COMMUNITY RELATIONS

4333*

3
4 Bus Transportation

5
6 Outside groups, such as non-school organizations (4-H, Roberts Community Foundation,
7 Roberts Parents for Performing Arts, etc.) may address the School Board about the use of school
8 owned transportation. Each request will be handled on an individual basis.

9
10 Previous Reference: 200.7

11
12 Policy History:
13 Adopted on: June, 2001
14 Reviewed on:
15 Revised on: 8/15/2022

16

4
5 Accommodating Individuals With Disabilities

6
7 Individuals with disabilities shall be provided opportunity to participate in all school-sponsored
8 services, programs, or activities on a basis equal to those without disabilities and will not be
9 subject to illegal discrimination.

10
11 The District may provide auxiliary aids and services when necessary to afford individuals with
12 disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or
13 activity.

14
15 Each service, program, or activity operated in existing facilities shall be readily accessible to,
16 and usable by, individuals with disabilities. New construction and alterations to facilities existing
17 before January 26, 1992, will be accessible when viewed in their entirety.

18
19 The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and, in
20 that capacity, is directed to:

- 21
- 22 1. Oversee District compliance efforts, recommend to the Board necessary modifications, and
- 23 maintain the District’s final Title II self-evaluation document and keep it available for public
- 24 inspection.
- 25
- 26 2. Institute plans to make information regarding Title II protection available to any interested
- 27 party.
- 28

29 An individual with a disability should notify the Superintendent or building principal if they have
30 a disability which will require special assistance or services and what services are required. This
31 notification should occur as far as possible before the school-sponsored function, program, or
32 meeting.

33
34
35
36 Cross Reference: 1700 Uniform Complaint Procedure

37
38 Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131,
39 et seq.; 28 C.F.R. Part 35.

40
41 Policy History:

42 Adopted on: 3/9/2010

43 Reviewed on:

44 Revised on:

4
5 Equal Employment Opportunity and Non-Discrimination

6
7 The District will provide equal employment opportunities to all persons, regardless of their race,
8 color, religion, creed, national origin, sex, age, ancestry, marital status, military status,
9 citizenship status, use of lawful products while not at work, physical or mental disability, if
10 otherwise able to perform essential functions of a job with reasonable accommodations, and
11 other legally protected categories.

12
13 The District will make reasonable accommodation for an individual with a disability known to
14 the District, if the individual is otherwise qualified for the position, unless the accommodation
15 would impose undue hardship on the District.

16
17 A person with an inquiry regarding discrimination should direct their questions to the Title IX
18 Coordinator. A person with a specific written complaint should follow the Uniform Complaint
19 Procedure.

20
21
22
23 Cross Reference: 1700 Uniform Complaint Procedure

24
25 Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.
26 Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
27 Equal Pay Act, 29 U.S.C. § 206(d)
28 Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
29 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.
30 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.,
31 Part 1601
32 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq., 34
33 C.F.R., Part 106
34 Montana Constitution, Art. X, § 1 - Educational goals and duties
35 § 49-2-101, et. al., MCA Human Rights Act
36 § 49-3-102, MCA What local governmental units affected

37
38 Policy History:

39 Adopted on: 3/9/2010

40 Reviewed on:

41 Revised on:

2
3 **PERSONNEL**

4
5 Sexual Harassment/Sexual Intimidation in the Workplace

6
7 The District will do everything in its power to provide employees a work environment free of
8 unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or
9 communications constituting sexual harassment, as defined and otherwise prohibited by state and
10 federal law.

11
12 The District prohibits its employees from making sexual advances or requesting sexual favors or
13 engaging in any conduct of a sexual nature when:

- 14
15 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an
16 individual's employment;
- 17
18 2. Submission to or rejection of such conduct by an individual is used as a basis for
19 employment decisions affecting that individual; or
- 20
21 3. Such conduct has the purpose or effect of substantially interfering with the individual's work
22 performance or creating an intimidating, hostile, or offensive work environment.

23
24 Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms
25 "intimidating," "hostile," or "offensive" include but are not limited to conduct that has the effect
26 of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in
27 light of all circumstances.

28
29 A violation of this policy may result in disciplinary action, up to and including discharge. Any
30 person who knowingly makes false accusation regarding sexual harassment will likewise be
31 subject to disciplinary action, up to and including discharge.

32
33 An aggrieved person who feels comfortable doing so should directly inform the person engaging
34 in sexually harassing conduct or communication that such conduct or communication is
35 offensive and must stop.

36
37 Employees who believe they may have been sexually harassed or intimidated should contact the
38 Title IX Coordinator or an administrator, who will assist them in filing a complaint. An
39 individual with a complaint alleging a violation of this policy shall follow the Uniform
40 Complaint Procedure.

41
42
43 Cross Reference: 1700 Uniform Complaint Procedure

44
45 Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.
46 § 1604.11

1 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.
2 Montana Constitution, Art. X, § 1 - Educational goals and duties

3 5012
4 page 2 of 2

5 § 49-2-101, MCA Human Rights Act
6 *Harris v. Fork Lift Systems*, 114 S.Ct. 367 (1993)
7

8 Policy History:

9 Adopted on: 3/9/2010

10 Reviewed on:

11 Revised on:

12

2
3 **PERSONNEL**

4
5 Bullying/Harassment/Intimidation

6
7 The Board will strive to provide a positive and productive working environment. Bullying,
8 harassment, intimidation, between employees or by third parties, are strictly prohibited and shall
9 not be tolerated. This includes bullying, harassment, or intimidation via electronic
10 communication devices (“cyber-bullying”).

11
12 Definitions

- 13
14 1. “Third parties” include but are not limited to coaches, school volunteers, parents, school
15 visitors, service contractors or others engaged in District business, such as employees of
16 businesses or organizations participating in cooperative work programs with the District, and
17 others not directly subject to District control at inter-district and intra-District athletic
18 competitions or other school events.
19
20 2. “District” includes District facilities, District premises, and non-District property if the
21 employee is at any District-sponsored, District-approved, or District-related activity or
22 function, such as field trips or athletic events, where the employee is engaged in District
23 business.
24
25 3. “Harassment, intimidation, or bullying” means any act that substantially interferes with an
26 employee’s opportunities or work performance, that takes place on or immediately adjacent
27 to school grounds, at any school-sponsored activity, on school-provided transportation, or
28 anywhere conduct may reasonably be considered to be a threat or an attempted intimidation
29 of a staff member or an interference with school purposes or an educational function, and that
30 has the effect of:
31
32 a. Physically harming an employee or damaging an employee’s property;
33 b. Knowingly placing an employee in reasonable fear of physical harm to the employee
34 or damage to the employee’s property; or
35 c. Creating a hostile working environment.
36
37 4. “Electronic communication device” means any mode of electronic communication,
38 including but not limited to computers, cell phones, PDAs, or the internet.
39

40 Reporting

41
42 All complaints about behavior that may violate this policy shall be promptly investigated. Any
43 employee or third party who has knowledge of conduct in violation of this policy or feels he/she
44 has been a victim of harassment, intimidation, or bullying in violation of this policy is
45 encouraged to immediately report his/her concerns to the building principal or the District
46 Administrator, who have overall responsibility for such investigations. Complaints against the

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building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with the Board.

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

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:

Adopted on: 3/9/2010

Reviewed on:

Revised on:

1 **Roberts School District**

2
3 **PERSONNEL**

5120

4
5 Hiring Process and Criteria

6
7 The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and
8 for making hiring recommendations to the Board. The District will hire highly qualified
9 personnel consistent with budget and staffing requirements and will comply with Board policy
10 and state law on equal employment opportunities and veterans' preference. All applicants must
11 complete a District application form to be considered for employment. The Superintendent will
12 follow the District hiring procedures as incorporated into this policy.

13
14 Certification

15
16 The District requires contracted certified staff to hold valid Montana teacher or specialist
17 certificates endorsed for the roles and responsibilities for which they are employed. If a position
18 cannot be filled with a qualified certified individual, the District will consider an individual
19 working towards their degree in the field of vacant position given the proper documentation has
20 been filed with the Office of Public Instruction. Failure to meet this requirement shall be just
21 cause for termination of employment. No salary warrants may be issued to a staff member,
22 unless a valid certificate for the role to which the teacher has been assigned has been registered
23 with the county superintendent within sixty (60) calendar days after a term of service begins.
24 Every teacher and administrator under contract must bring their current, valid certificate to the
25 personnel office at the time of initial employment, as well as at the time of each renewal of
26 certification.

27
28 The clerk will register all certificates, noting class and endorsement of certificates, and will
29 update permanent records as necessary. The personnel office also will retain a copy of each
30 valid certificate of a contracted certified employee in that employee's personnel file.

31
32 Background Check

33
34 Every applicant must provide the District with written authorization for a criminal background
35 investigation. The Superintendent will keep any conviction record confidential as required by
36 law and District policy. The district will create a determination sheet from the criminal history
37 record. The determination sheet will be kept on file at the District Office. The Criminal History
38 Record with no disqualifiers will be shredded on site immediately after review. The Criminal
39 History Record with disqualifiers will be retained on file at the District Office according to law.
40 Every newly hired employee must complete an Immigration and Naturalization Service form, as
41 required by federal law.

42
43 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

44
45 Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration

1 § 39-29-102, MCA Point preference or alternative preference in initial
2 hiring for certain applicants – substantially
3 equivalent selection procedure
4 No Child Left Behind Act of 2001 (P.L. 107-110)
5 37.114.1010, DPHHS Employee of School: Day Care Facility
6 Care Provider

7 Policy History:

8 Adopted on: March 14, 2006
9 Reviewed on:
10 Revised on: August 14, 2013

1 **Roberts School District**

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3 **PERSONNEL**

5120P

4
5 Hiring Procedure

6
7 Policies and procedures about hiring are designed to provide guidelines for filling a vacant
8 position with the right candidate. The hiring decision is a major investment by the district and
9 the policies around making this decision need to be clear.

10
11 Hiring policies and procedures need to comply with Human Rights Legislation through anti-
12 discriminatory practices.

13
14 **Hiring: Recruitment and Selection**

15
16 1. **Advertising Vacant/Potential Positions:**

17 The District will advertise all job openings that cannot be filled with current employees.

18 Certified:

19 Initial minimum advertising to include:

- 20 ▪ In-house and community first week
- 21 ▪ MetNet and Carbon County News next two weeks
- 22 ▪ Additional Advertising as determined

23 Classified:

24 Initial minimum advertising to include:

- 25 ▪ In-house and community first week
- 26 ▪ MetNet and Carbon County News next two weeks
- 27 ▪ Additional Advertising as determined

28 **Definitions:**

- 29 - In-house and community: posted on the school bulletin board, in teacher
30 bulletin and entrance windows of the school
- 31 - MetNet: nationwide, online teacher bulletin board
- 32 - Carbon County News: local, area-wide newspaper
- 33 - Additional Advertising: could include Billings Gazette, Job Services,
34 employment agencies, etc.

35 2. **What to advertise:**

36 All Positions: job title, essential requirements for education, skills and experience, hours
37 required, when position is available, application process, compensation rate as it
38 relates to experience, closing date of competition.

39 3. **Standard application process:**

40 Certified:

- 41 • Letter of interest
- 42 • Placement file or 3 letters of recommendation
- 43 • Copy of transcript
- 44 • Copy of teaching certificate
- 45 • Resume
- 46 • Completed application form

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2
3 Classified and Stipend Positions:

- 4 • Letter of interest
- 5 • Resume
- 6 • Completed application form

7 4. Application screening & selection process

- 8 A. The Superintendent will receive all application packets and record the order of
- 9 receipt on each application.
- 10 B. Upon closing of the application period, the Superintendent will determine
- 11 qualified applicants based on completed application packets received by
- 12 advertised deadline date, reviewing the applications and resume as pertinent to the
- 13 position open, performing and work related testing of require skills.
- 14 C. The superintendent will review all certified and classified applicants for hire and
- 15 then recommend to the Board the number of applicants to be interviewed.
- 16 D. The Superintendent will review all stipend position applications and make all
- 17 recommendations for stipend positions to be brought to the Board for approval.

18 5. Interview Process

- 19 A. Each interview candidate will be interviewed by the Superintendent and the
- 20 Board.
- 21 B. The interview questions will be pre-determined by the Superintendent prior to the
- 22 interview. The questions will be the same for each prospective candidate for the
- 23 same position. The questions will be objective and focus on the requirements of
- 24 the job in order to avoid discriminatory practices.
- 25 C. The Superintendent will make a recommendation to the Board of which applicant
- 26 he or she feels would best fill the position. The Board will then make the final
- 27 determination on the application selected.

28 6. Offer of employment

- 29 A. The Superintendent will draft the offer letter. The letter will include:
- 30 1. Job title
- 31 2. Start date (and ending date if applicable)
- 32 3. Rate of pay
- 33 4. Pay period schedule
- 34 5. Eligibility of benefits
- 35 6. Hours of work
- 36 7. Overtime compensation
- 37 8. Length of probationary period

38 -The Superintendent will ensure that the offer letter is consistent with current policies

39 and procedures of the district and applicable Employment Standards Legislation.

- 40 B. Upon acceptance, the prospective employee will sign a letter of receipt of the
- 41 offer of employment, and it will be placed in the employment file.
- 42 C. All other candidates will be notified that the position has been filled with a
- 43 qualified candidate.

44 7. Superintendent will coordinate all employee orientation

- 45 A. Copy of job requirements or job description
- 46 B. Information about the school

1 C. Information about the workplace
2 D. Payroll form requirements

3
4

5 **Policy History:**

6 Adopted on: November 10, 2009

7 Reviewed on:

8 Revised on:

9
10

1 **Roberts School District**

2

3 **PERSONNEL**

5123*

4

5 Lane Changes

6

7 A total of fifteen (15) credits are needed for a lane change at Roberts School.

8

9 These credits must be approved by the District Superintendent in advance of being considered
10 for a lane change.

11

12 The credits can be undergraduate or graduate credits and are to relate directly to the subject
13 area(s) taught, as determined by the District Superintendent.

14

15 A teacher who anticipates a lane change must notify the District Superintendent in writing by
16 June 1st so that budgetary considerations can be made.

17

18 Previous Reference: 300.16

19

20 Policy History:

21 Adopted on: 6/1999

22 Reviewed on:

23 Revised on:

24

25 *School Specific Policy (not MTSBA)

26

27

28

1 **Roberts School District**

2
3 **PERSONNEL**

5124*

4
5 Contracts

6
7 Contracts will be written with 12-month payment, or 10-month by teacher request. The June,
8 July and August payments will include total teaching time of 180 days along with seven PIR
9 days. All teachers shall be paid on the basis of a district salary schedule as adopted by the Board,
10 with no teacher receiving less than minimum pay. Contracts will be issued in areas of
11 endorsement.

12
13 Teachers may bring in a maximum of five (5) years experience into the district salary schedule
14 unless permission is granted by the Board of Trustees upon recommendation of the
15 Superintendent.

16
17
18 Previous Reference: 300.2

19
20 Policy History:

21 Adopted on: March, 1983

22 Reviewed on:

23 Revised on:

24
25 *School Specific (not MTSBA)

1 **Roberts School District**

2
3 **PERSONNEL**

5140

4
5 Classified Employment and Assignment

6
7 Each classified employee hired on or after November 1, 2005, shall be employed under a written
8 contract of a specified term, of a beginning and ending date, within the meaning of 39-2-912,
9 MCA. Such employee shall have no expectation of continued employment from year to year, and
10 contracts of employment may be renewed or non-renewed during the summer of each year, at the
11 District's sole option

12
13 The District reserves the right to change employment conditions affecting an employee's duties,
14 assignment, supervisor, or grade.

15
16 The Board will determine salary and wages for classified personnel.

17
18 There will be no probationary period for those classified employees employed under and
19 pursuant to a written contract for a specified term.

20
21 For those classified employees not employed under or pursuant to a written contract will be hired
22 under a six month probationary period from the date of hire.

23
24 ** By statute the probationary period is six (6) months.*

25
26
27
28 Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive
29 probationary period
30 *Hunter v. City of Great Falls* (2002), 2002 MT 331
31 *Whidden v. Nerison*, 294 Mont. 346, 981 P.2d 271 (1999)
32 *Bowden v. The Anaconda Co.*, 38 St. Rep. 1974 (D.C. Mont. 1981)
33 *Scott v. Eagle Watch Inv., Inc.*, 251 Mont. 191, 828 P.2d 1346 (1991)
34 *Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989)

35
36 Policy History:

37 Adopted on: 10/11/2005

38 Reviewed on:

39 Revised on:

1 **Roberts School District** **R**
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3 **PERSONNEL** **5222**
4
5 Evaluation of Non-Administrative Staff
6
7 Each non-administrative staff member’s job performance will be evaluated by the staff member’s
8 direct supervisor. The evaluation process includes scheduled annual evaluations using forms
9 applicable to the job classification and description, and day-to-day appraisals. Certified staff
10 members may be evaluated according to the terms stated in the current collective bargaining
11 agreement.
12
13 The supervisor will provide a copy of the completed evaluation to the staff member and will
14 provide opportunity to discuss the evaluation. The original should be signed by the staff member
15 and filed with the Superintendent. If the staff member refuses to sign the evaluation, the
16 supervisor should note the refusal and submit the evaluation to the Superintendent.
17
18
19
20 Policy History:
21 Adopted on: 3/9/2010
22 Reviewed on:
23 Revised on:
24

1 **Roberts School District**

2
3 **PERSONNEL**

5223

4
5 Personal Conduct

6
7 Employees are expected to maintain high standards of honesty, integrity, and impartiality in the
8 conduct of District business.

9
10 In accordance with state law, an employee should not dispense or utilize any information gained
11 from employment with the District, accept gifts or benefits, or participate in business enterprises
12 or employment that creates a conflict of interest with the faithful and impartial discharge of the
13 employee's District duties. A District employee, before acting in a manner which might impinge
14 on any fiduciary duty, may disclose the nature of the private interest which would create a
15 conflict. Care should be taken to avoid using or avoid the appearance of using official positions
16 and confidential information for personal advantage or gain.

17
18 Further, employees are expected to hold confidential all information deemed not to be for public
19 consumption as determined by state law and Board policy. Employees also will respect the
20 confidentiality of people served in the course of an employee's duties and use information gained
21 in a responsible manner. The Board may discipline, up to and including discharge, any
22 employee who discloses confidential and/or private information learned during the course of the
23 employee's duties or learned as a result of the employee's participation in a closed (executive)
24 session of the Board. Discretion should be used even within the school system's own network of
25 communication.

26
27 Administrators and supervisors may set forth specific rules and regulations governing staff
28 conduct on the job within a particular building.

29
30
31
32 Legal Reference: § 20-1-201, MCA School officers not to act as agents

33
34 Policy History:

35 Adopted on: 3/9/2010

36 Reviewed on: 5/10/2011

37 Revised on:
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39
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1 **Roberts School District**

2
3 **PERSONNEL**

5224

4
5 Political Activity

6
7 The Board recognizes its employees’ rights of citizenship, including but not limited to engaging
8 in political activities. A District employee may seek an elective office, provided the employee
9 does not campaign on school property during working hours, and provided all other legal
10 requirements are met. The District assumes no obligation beyond making such opportunities
11 available. An employee elected to office is entitled to take a leave of absence without pay, in
12 accordance with the provisions of § 2-18-620, MCA.

13
14 No person, in or on District property, may attempt to coerce, command, or require a public
15 employee to support or oppose any political committee, the nomination or election of any person
16 to public office, or the passage of a ballot issue.

17
18 No District employee may solicit support for or in opposition to any political committee, the
19 nomination or election of any person to public office, or the passage of a ballot issue, while on
20 the job or in or on District property.

21
22 Nothing in this policy is intended to restrict the right of District employees to express their
23 personal political views.

24
25 Previous Reference: 300.26

26
27 Legal Reference: 5 USC 7321, et seq. Hatch Act
28 § 2-18-620, MCA Mandatory leave of absence for employees holding
29 public office – return requirements
30 § 13-35-226, MCA Unlawful acts of employers and employees

31
32 Policy History:

33 Adopted on: 12/1991

34 Reviewed on:

35 Revised on: 8/2011

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PERSONNEL

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 will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

Legal Reference: 49 U.S.C. § 45101, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)
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)

Previous Reference: 200.22

Policy History:
Adopted on: 3/9/2010
Reviewed on:
Revised on:

2
3 **PERSONNEL**

4
5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6
7 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program
8 that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

9
10 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,
11 including the driver, are likewise subject to the drug and alcohol testing program.

12
13 Testing procedures and facilities used for the tests shall conform with the requirements of the
14 Code of Federal Regulations, Title 49, §§ 40, et seq.

15
16 Pre-Employment Tests

17
18 Tests shall be conducted before the first time a driver performs any safety-sensitive function for
19 the District.

20
21 Safety-sensitive functions include all on-duty functions performed from the time a driver begins
22 work or is required to be ready to work, until he/she is relieved from work and all responsibility
23 for performing work. It includes driving; waiting to be dispatched; inspecting and servicing
24 equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining
25 and waiting for help with a disabled vehicle; performing driver requirements related to accidents;
26 and performing any other work for the District or paid work for any entity.

27
28 The tests shall be required of an applicant only after he/she has been offered the position.

29
30 Exceptions may be made for drivers who have had the alcohol test required by law within the
31 previous six (6) months and participated in the drug testing program required by law within the
32 previous thirty (30) days, provided that the District has been able to make all verifications
33 required by law.

34
35 Post-Accident Tests

36
37 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable
38 on any driver:

- 39
40 5. Who was performing safety-sensitive functions with respect to the vehicle, if the accident
41 involved loss of human life; or
42
43 6. Who receives a citation under state or local law, for a moving traffic violation arising from
44 the accident.

45
46 Drivers shall make themselves readily available for testing, absent the need for immediate

1 medical attention.

6 No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she
7 undergoes a post-accident alcohol test, whichever occurs first.

9 If an alcohol test is not administered within two (2) hours or if a drug test is not administered
10 within thirty-two (32) hours, the District shall prepare and maintain records explaining why the
11 test was not conducted. Tests will not be given if not administered within eight (8) hours after
12 the accident for alcohol or within thirty-two (32) hours for drugs.

14 Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing
15 requirements, provided they conform to applicable legal requirements and are obtained by the
16 District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled
17 substance testing obligations.

19 Random Tests

21 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for
22 alcohol shall be conducted just before, during, or just after the performance of safety-sensitive
23 functions. The number of random alcohol tests annually must equal twenty-five percent (25%)
24 of the average number of driver positions. The number of random drug tests annually must equal
25 fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a
26 scientifically valid random process, and each driver shall have an equal chance of being tested
27 each time selections are made.

29 Reasonable Suspicion Tests

31 Tests shall be conducted when a supervisor or District official trained in accordance with law has
32 reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This
33 reasonable suspicion must be based on specific, contemporaneous, articulable observations
34 concerning the driver's appearance, behavior, speech, or body odors. The observations may
35 include indications of the chronic and withdrawal effects of controlled substances.

37 Alcohol tests are authorized for reasonable suspicion only if the required observations are made
38 during, just before, or just after the period of the work day when the driver must comply with
39 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that
40 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within
41 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain
42 a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate
43 after eight (8) hours.

45 A supervisor or District official who makes observations leading to a controlled substance
46 reasonable suspicion test shall make a written record of his/her observations within twenty-four

1 (24) hours of the observed behavior or before the results of the drug test are released, whichever
2 is earlier.

7
8 Enforcement

9
10 Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up
11 test shall not perform or continue to perform safety-sensitive functions.

12
13 Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and
14 including dismissal.

15
16 A driver who violates District prohibitions related to drugs and alcohol shall receive from the
17 District the names, addresses, and telephone numbers of substance abuse professionals and
18 counseling and treatment programs available to evaluate and resolve drug and alcohol-related
19 problems. The employee shall be evaluated by a substance abuse professional who shall
20 determine what help, if any, the driver needs in resolving such a problem. Any substance abuse
21 professional who determines that a driver needs assistance shall not refer the driver to a private
22 practice, person, or organization in which he/she has a financial interest, except under
23 circumstances allowed by law.

24
25 An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated
26 by a substance abuse professional to determine that he/she has properly followed the prescribed
27 rehabilitation program and shall be subject to unannounced follow-up tests after returning to
28 duty.

29
30 Return-to-Duty Tests

31
32 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or
33 alcohol prohibition returns to performing safety-sensitive duties.

34
35 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function
36 until the return-to-duty drug test produces a verified negative result.

37
38 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function
39 until the return-to-duty alcohol test produces a verified result that meets federal and District
40 standards.

41
42 Follow-Up Tests

43
44 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by
45 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall
46 be subject to unannounced follow-up testing as directed by the substance abuse professional in

1 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just
2 after the time when the driver is performing safety-sensitive functions.

3
4 Records

5
6 Employee drug and alcohol test results and records shall be maintained under strict

7 5228P
8 page 4 of 5
9

10 confidentiality and released only in accordance with law. Upon written request, a driver shall
11 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records
12 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent
13 employer or other identified persons only as expressly requested in writing by the driver.

14
15 Notifications

16
17 Each driver shall receive educational materials that explain the requirements of the Code of
18 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and
19 regulations for meeting these requirements. Representatives of employee organizations shall be
20 notified of the availability of this information. The information shall identify:

- 21
- 22 1. The person designated by the District to answer driver questions about the materials;
 - 23
 - 24 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,
25 Part 382;
 - 26
 - 27 3. Sufficient information about the safety-sensitive functions performed by drivers to make
28 clear what period of the work day the driver is required to comply with Part 382;
 - 29
 - 30 4. Specific information concerning driver conduct that is prohibited by Part 382;
 - 31
 - 32 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part
33 382;
 - 34
 - 35 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the
36 driver and the integrity of the testing processes, safeguard the validity of test results, and
37 ensure that test results are attributed to the correct driver;
 - 38
 - 39 7. The requirement that a driver submit to drug and alcohol tests administered in accordance
40 with Part 382;
 - 41
 - 42 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the
43 attendant consequences;
 - 44
 - 45 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of
46 Part 382, including the requirement that the driver be removed immediately from safety-

1 sensitive functions and the procedures for referral, evaluation, and treatment;

2
3 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater
4 but less than 0.04; and

5
6 11. Information concerning the effects of drugs and alcohol on an individual's health, work,
7 and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a
8 coworker's); and available methods of intervening when a drug or alcohol problem is

9 5228P

10 page 5 of 5

11
12 suspected, including confrontation, referral to an employee assistance program, and/or
13 referral to management.

14
15 Drivers shall also receive information about legal requirements, District policies, and
16 disciplinary consequences related to the use of alcohol and drugs.

17
18 Each driver shall sign a statement certifying that he/she has received a copy of the above
19 materials.

20
21 Before any driver operates a commercial motor vehicle, the District shall provide him/her with
22 post-accident procedures that will make it possible to comply with post-accident testing
23 requirements.

24
25 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are
26 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be
27 provided only after the compliance date specified in law.

28
29 The District shall notify a driver of the results of a pre-employment drug test if the driver
30 requests such results within sixty (60) calendar days of being notified of the disposition of his/
31 her employment application.

32
33 The District shall notify a driver of the results of random, reasonable suspicion, and post-
34 accident drug tests if the test results are verified positive. The District shall also tell the driver
35 which controlled substance(s) were verified as positive.

36
37 Drivers shall inform their supervisors if at any time they are using a controlled substance which
38 their physician has prescribed for therapeutic purposes. Such a substance may be used only if
39 the physician has advised the driver that it will not adversely affect his/her ability to safely
40 operate a commercial motor vehicle.

41
42
43
44 Procedure History:

45 Promulgated on: 3/9/2010

46 Reviewed on:

1 Revised on:
2

1 **Roberts School District**

2
3 **PERSONNEL**

5231

4
5 Personnel Records

6
7 The District maintains a complete personnel record for every current and former employee. The
8 employees' personnel records will be maintained in the District's administrative office, under the
9 Superintendent's direct supervision. Employees will be given access to their personnel records,
10 in accordance with guidelines developed by the Superintendent. In order for an employee to
11 access his/her file, the employee will request, in writing, to view such file and submit to the
12 Superintendent. The file will be viewed within the two administrative offices and copies may be
13 requested through the District Clerk, again in writing.

14
15 In addition to the Superintendent or other designees, the Board may grant a committee or a
16 member of the Board access to cumulative personnel files. When specifically authorized by the
17 Board, counsel retained by the Board or by the employee will also have access to a cumulative
18 personnel file.

19
20 In accordance with federal law, the District shall release information regarding the professional
21 qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon
22 request, for any teacher or paraprofessional who is employed by a school receiving Title I funds,
23 and who provides instruction to their child at that school. Access to other information contained
24 in the personnel records of District employees is governed by Policy 4340.

25
26
27
28 **Cross Reference:** 4340 Public Access to District Records

29
30 **Legal Reference:** 10.55.701, ARM Board of Trustees
31 No Child Left Behind Act of 2001, P.L. 107-334

32
33 Policy History:

34 Adopted on: 4/2002

35 Reviewed on:

36 Revised on:

4
5 Resolution of Staff Complaints/Problem-Solving

6
7 As circumstances allow, the District will attempt to provide the best working conditions for its
8 employees. Part of this commitment is encouraging an open and frank atmosphere in which any
9 problem, complaint, suggestion, or question is answered quickly and accurately by District
10 supervisors or administration.

11
12 The District will endeavor to promote fair and honest treatment of all employees. Administrators
13 and employees are all expected to treat each other with mutual respect. Each employee has the
14 right to express his or her views concerning policies or practices to the administration in a
15 businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and
16 constructive criticism.

17
18 Each employee is expected to follow established rules of conduct, policies, and practices.
19 Should an employee disagree with a policy or practice, the employee can express his or her
20 disagreement through the District's grievance procedure. No employee shall be penalized,
21 formally or informally, for voicing a disagreement with the District in a reasonable, businesslike
22 manner or for using the grievance procedure. **An employee filing a grievance under a
23 collective bargaining agreement is required to follow the grievance procedure for that
24 particular agreement.**

25
26 If an employee has a problem connected with the affairs of the school, their proper place to air it
27 is in the superintendent's office. All employees are encouraged to bring their problems,
28 suggestions, and general comments to the superintendent.

29
30 If necessary, an unresolved problem can be first placed on the agenda and then taken to a regular
31 Board meeting.

32
33
34
35 Cross Reference: 1700 Uniform Complaint Procedure

36
37 Previous Reference: 300.19

38
39 Policy History:

40 Adopted on: 6/1999

41 Reviewed on:

42 Revised on: 3/9/2010

43 Previous Reference: 300.19

1 **Roberts School District**

2
3 **PERSONNEL**

5321

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4
5 Leaves of Absence

6
7 Sick and Bereavement Leave

8
9 Certified employees will be granted sick leave according to terms of their collective bargaining
10 agreement.

11
12 Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For
13 classified staff, "sick leave" is defined as a leave of absence, with pay, for a sickness suffered by an
14 employee or an employee's immediate family. Sick leave may be used by an employee when they are
15 unable to perform job duties because of:

- 16 • A physical or mental illness, injury, or disability;
- 17 • Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical
18 care for the employee or the employee's child;
- 19 • Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- 20 • Quarantine resulting from exposure to a contagious disease;
- 21 • Examination or treatment by a licensed health care provider;
- 22 • Short-term attendance, in an agency's discretion, to care for a person (who is not the employee or
23 a member of the employee's immediate family) until other care can reasonably be obtained;
- 24 • Necessary care for a spouse, child or parent with a serious health condition, as defined in the
25 Family and Medical Leave Act of 1993; or
- 26 • Death or funeral attendance of an immediate family member or, at an agency's discretion, another
27 person.

28
29 Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will
30 judge each request in accordance with this policy and governing collective bargaining agreements.

31
32 It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits.
33 Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for
34 disciplinary action up to and including termination.

35
36 An employee who has suffered a death in the immediate family will be eligible for bereavement leave.
37 The Superintendent has the authority to grant bereavement leave for up to five (5) days. Bereavement
38 leave longer than five (5) days must be approved by the Board. Such leave will not exceed three (3)
39 months unless prescribed by a physician.

40
41 Personal and Emergency Leave

42
43 Teachers will be granted personal and emergency leave according to terms of the current collective
44 bargaining agreement. Upon recommendation of the Superintendent, and in accordance with law and
45 District policy, classified staff may be granted personal leave pursuant
46 to the following conditions:

- 47
48 1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the
49 District, leave approval will so state.

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- 2. Leave will be granted only in units of half (1/2) or full days.
- 3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
- 4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. 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.

Maternity/Paternity Leave

In addition to any maternity leave required by law, the Board of Trustees may grant maternity or paternity leave either without pay or with payment of 15% of the employee's salary calculated on a daily basis if lesson plans are provided to the substitute teacher during such leave.

Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 2-18-620, MCA	Mandatory Leave of Absence for employees
		Holding public office – return requirements
	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy-related leave of absence

Previous Reference: 300.7, 300.8, 300.9, 300.10

Policy History:

Adopted on: 5/2002
Reviewed on:
Revised on: 3/9/2010
Previous Reference: 300.9

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4
5 Breastfeeding Workplace

6
7 Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that
8 Montana law authorizes mothers to breastfeed their infants where mothers and children are
9 authorized to be, the District will support women who want to continue breastfeeding after
10 returning from maternity leave.

11
12 The District shall provide reasonable unpaid break time each day to an employee who needs to
13 express milk for the employee’s child, if breaks are currently allowed. If breaks are not currently
14 allowed, the District shall consider each case and make accommodations as possible. The
15 District is not required to provide break time if to do so would unduly disrupt the District’s
16 operations. Supervisors are encouraged to consider flexible schedules when accommodating
17 employees’ needs.

18
19 The District will make reasonable efforts to provide a room or other location, in close proximity
20 to the work area, other than a toilet stall, where an employee can express the employee’s breast
21 milk. The available space will include the provision for lighting and electricity for the pump
22 apparatus. If possible, supervisors will ensure that employees are aware of these workplace
23 accommodations prior to maternity leave.

24
25
26
27 Legal Reference: Title 39, Chapter 2, Part 2, MCA General Obligations of Employers

28
29 Policy History:
30 Adopted on: 3/9/2010
31 Reviewed on:
32 Revised on:
33

2
3 **PERSONNEL**

4
5 Family Medical Leave

6
7 In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of
8 absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an
9 eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for
10 adoption or foster care; 3) a serious health condition which makes the employee unable to
11 perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious
12 health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation,
13 determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is
14 on active duty (or has been notified of an impending call or order to active duty) in the Armed
15 Forces in support of a contingency operation.

16
17 Service Member Family Leave

18
19 Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the
20 spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a
21 total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the
22 service member. The leave described in this paragraph shall only be available during a single
23 twelve-(12)-month period.

24
25 An employee is eligible to take FMLA leave, if the employee has been employed for at least
26 twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during
27 the twelve (12) months immediately prior to the date leave is requested, and there have been at
28 least fifty (50) District employees within seventy-five (75) miles for each working day during
29 twenty (20) or more workweeks in the current or preceding calendar year.

30
31 Employees will (not) be required to use appropriate paid leave while on FMLA leave. Workers’
32 compensation absences will (not) be designated FMLA leave.

33
34 The Board has determined that the twelve-(12)-month period during which an employee may
35 take FMLA leave is: 1) July 1 to June 30 or other specific dates; 2) the calendar year; 3) twelve
36 (12) months forward from the date of a particular employee’s first FMLA leave; or 4) twelve
37 (12) months backward from the date of FMLA leave. **PICK ONE**

38
39 The Superintendent has discretion to require medical certification to determine initial or
40 continued eligibility under FMLA as well as fitness for duty.

41
42
43 NOTE: This provision applies to school districts with fifty (50) or more employees.
44 Those districts with less than fifty (50) employees
45 must comply with notice and record retention but

1 are not obligated to provide the leave as a benefit of
2 any employee's employment.
3

4 5328
5 page 2 of 2
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7
8

9 Legal Reference: 29 CFR 825, 29 USC 2601, et seq. - Family and Medical Leave Act of
10 1993
11 §§2-18-601, et seq., MCA Leave Time
12 §§49-2-301, et seq., MCA Prohibited Discriminatory Practices
13 Section 585 – National Defense Authorization Act for FY 2008, Public
14 Law [110-181]
15

16 Policy History:

17 Adopted on: 3/9/2010

18 Reviewed on:

19 Revised on:
20

2
3 **PERSONNEL**

4
5 Family Medical Leave

6
7 Who Is Eligible

8
9 Employees are eligible if they have worked for the District for at least one (1) year, and for one
10 thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have
11 been at least fifty (50) District employees within seventy-five (75) miles for each working day
12 during twenty (20) or more workweeks in the current or preceding calendar year.

13
14 Benefit

15
16 Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12)
17 weeks or twenty-six (26) weeks leave with continuing participation in the District's group
18 insurance plan.

19
20 Reasons for Taking Leave

21
22 Unpaid leave will be granted to eligible employees for any of the following reasons:

- 23
- 24 a. To care for the employee's child after birth, or placement for adoption or foster care;
- 25 b. To care for the employee's spouse, child, or parent (does not include parents-in-law) who
- 26 has a serious health condition;
- 27 i. "son or daughter" includes a biological or adopted child, foster child, stepchild,
- 28 a legal ward, or a child of a person standing in loco parentis.
- 29 c. For a serious health condition that makes the employee unable to perform the employee's
- 30 job;
- 31

32 Military Family Leave

33
34 a. Military caregiver leave

- 35 1. An eligible employee who is a relative of a service member can take up to twenty-
- 36 six (26) weeks in a twelve-(12)-month period in order to care for a covered
- 37 service member who is seriously ill or injured in the line of duty, or a veteran who
- 38 is undergoing medical treatment, recuperation or therapy for serious injury or
- 39 illness that occurred any time during the five (5) years preceding the date of
- 40 treatment.
- 41

42 b. Qualified exigency leave (applies to eligible employees with family members who are in
43 the National Guard or Reserves, and Regular Armed Forces)

- 44 1. An eligible employee can take up to the normal twelve (12) weeks of leave, if a
- 45 family member who is a member of the National Guard or Reserve is called up to
- 46 active duty on a contingency mission.

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

Substitution of Paid Leave

If the District requires the employee to use appropriate paid leave concurrently while on FMLA leave pursuant to Policy 5328, paid leave will be substituted for unpaid leave under the following circumstances:

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

Limitations on husband and wife of "Same Employer"

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer are limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken: (1) for the birth of the employee's son or daughter or to care for the child after birth; (2) for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or (3) to care for the employee's parent with a serious health condition. *Care for parents-in-law is not covered by the FMLA.*

Examples: (1) If each spouse took six (6) weeks of leave to care for a healthy, newly placed child, each could use an additional six (6) weeks due to his or her own serious health condition or to care for a child with a serious health condition. (2) A husband and wife may each take twelve (12) weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition provided they have not exhausted their entitlements during the applicable 12-month FMLA period. (3)

If spouses are employed by the same employer, the aggregate number of weeks of leave that can

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

5
6 5328P
7 page 3 of 5

8 Employee Notice Requirement

9
10 The employee must follow the employer's standard notice and procedural policies for taking
11 FMLA.

12 13 Employer Notice Requirement (29 C.F.R. § 825.300)

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

23 24 Notice for Leave Due to Active Duty of Family Member

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

30 31 Requests

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

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

41 42 Medical Certification

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

1 statement.

2
3 Intermittent/Reduced Leave

4
5 FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain
6 circumstances. Where leave is taken because of birth or placement of a child for adoption or

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

16
17 Insurance

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

24
25 Return

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

29
30 Recordkeeping

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

34
35 Summer Vacation

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

40
41 ***SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES***

42
43 Leave More Than Five (5) Weeks Before End of Term

44
45 If an instructional employee begins FMLA leave more than five (5) weeks before the end of

1 term, the District may require the employee to continue taking leave until the end of a semester
2 term, if:

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

6
7 Leave Less Than Five (5) Weeks Before End of Term

8
9 If an instructional employee begins FMLA leave for a purpose other than that employee's own

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10
11
12
13 serious health condition less than five (5) weeks before the end of term, the District may require
14 the employee to continue taking leave until the end of a semester term, if:

- 15
16 a. The leave is longer than two (2) weeks; and
- 17
18 b. The employee's return would take place during the last two-(2)-week period of the
19 semester term.

20
21 Leave Less Than Three (3) Weeks Before End of Term

22
23 If an instructional employee begins FMLA leave for a purpose other than that employee's own
24 serious health condition less than three (3) weeks before the end of term, the District may require
25 the employee to continue taking leave until the end of the academic term if the leave is longer
26 than five (5) days.

27
28 Intermittent or Reduced Leave

29
30 Under certain conditions, an instructional employee needing intermittent or reduced leave for
31 more than twenty percent (20%) of the total working days over the leave period may be required
32 by the District to:

- 33
34 a. Take leave for a period(s) of particular duration not to exceed the duration of treatment;
35 or
- 36 b. Transfer to an alternate but equivalent position.

37
38
39
40 Procedure History:

41 Promulgated on: 3/9/2010

42 Reviewed on:

43 Revised on:

1 **Roberts School District**

2
3 **PERSONNEL**

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4
5 Insurance Benefits for Employees

6
7 Newly hired employees are eligible for insurance benefits offered by the District for the
8 particular bargaining unit to which an employee belongs. Other employees will be offered
9 benefits consistent with the District benefit plan, with exceptions noted below:

- 10
- 11 1. Classified employees who are employed less than half (1/2) time (that is, who are regularly
- 12 scheduled to work less than twenty (20) hours per week) will not be eligible for group
- 13 health, dental, and life insurance and will not be considered to be a member of defined
- 14 employee insurance benefit groups.
- 15
- 16 2. Any permanent employee who works half (1/2) time or more is eligible for group health
- 17 and dental insurance, irrespective of the unit to which the employee belongs. All medical
- 18 and dental insurance premiums will be prorated in the amount of the full contract in terms
- 19 of full-time equivalency multiplied by the District’s maximum contribution as prescribed
- 20 by the applicable collective bargaining agreement or Board policy.
- 21

22 A medical examination at the expense of the employee may be required, if the employee elects to
23 join the District health insurance program after initially refusing coverage during the “open
24 season” (*July). An eligible employee wishing to discontinue or change health insurance
25 coverage must initiate the action by contacting the personnel office and completing appropriate
26 forms.

27
28 Anniversary dates of the health and dental insurance policies for the District shall be July 1st
29 through June 30th.

30
31
32 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
33 § 2-18-703, MCA Contributions

34
35 Previous Reference: 200.9

36
37 Policy History:

38 Adopted on: 3/9/2010

39 Reviewed on:

40 Revised on:

1 **Roberts School District**

2
3 **PERSONNEL**

5333

4
5 Holidays

6
7 Holidays for certified staff are dictated in part by the school calendar. Temporary employees will
8 not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

9
10 The holidays required for classified staff, by State Statue 20-1-305, MCA, are:

- 11
- 12 1. Independence Day
- 13 2. Labor Day
- 14 3. Thanksgiving Day
- 15 4. Christmas Day
- 16 5. New Year's Day
- 17 6. Memorial Day
- 18 7. State and national election days when the school building is used as a polling place and
- 19 conduct of school would interfere with the election process
- 20

21 When an employee, as defined above, is required to work any of these holidays, another day
22 shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in
23 addition to the employee's regular pay for all time worked on the holiday.

24
25 When one of the above holidays falls on Sunday, the following Monday will be a holiday. When
26 one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

27
28 When a holiday occurs during a period in which vacation is being taken by an employee, the
29 holiday will not be charged against the employee's annual leave.

30
31
32
33 Legal Reference: § 20-1-305, MCA School holidays

34
35 Policy History:

36 Adopted on: October 11, 2005

37 Reviewed on:

38 Revised on:

1 **Roberts School District**

2
3 **PERSONNEL**

5334

4
5 Vacations

6
7 Classified and twelve-(12)-month administrative employees will accrue annual vacation leave
8 benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621,
9 MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation
10 leave in any instance. The District will judge each request for vacation in accordance with
11 staffing needs.

12
13 Classified and 12 month administrative employees will not be allowed to accumulate more than
14 two years of vacation leave. The district will payout any vacation days that are beyond the two
15 year allotment given to the employee at the end of the fiscal year, in which the employee has
16 exceeded the allowable number of accumulated vacation days

17
18
19
20 Legal Reference: § 2-18-611, MCA Annual vacation leave
21 § 2-18-612, MCA Rate earned
22 § 2-18-617, MCA Accumulation of leave – cash for unused – transfer

23
24 Policy History:

25 Adopted on: October 11, 2005

26 Reviewed on:

27 Revised on:

4
5 Compensatory Time and Overtime for Classified Employees

6
7 Non-exempt classified employees who work more than forty (40) hours in a given workweek
8 may receive overtime pay of one and one-half (1½) times the hours worked in excess of forty
9 (40) hours in any work week. The Superintendent must approve any overtime work of a
10 classified employee. At the end of the fiscal year, (June 30th) the employee must have used all
11 compensation time accrued for the year or the time will be forfeited. Compensation time for
12 overtime will not be carried forth from year to year.

13
14 Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not
15 volunteer to work without pay in an assignment similar to the employee’s regular work.

16
17 A non-exempt employee who works overtime without authorization may be subject to
18 disciplinary action.

19
20 ***NOTE:** Please be advised that comp time is not required. If a district adopts a comp time*
21 *policy, there are basically two (2) types of employees: 1) Those who are covered before the*
22 *policy was adopted need to be treated on a case-by-case basis, and the agreement to allow comp*
23 *time must be entered into before the work is performed. 2) Those hired after the policy is in*
24 *place – the Department of Labor has determined that the employee agreed to the policy. Some*
25 *experts have said comp time is a credit card, not a savings account. The employee has broad*
26 *latitude to decide when the time will be taken.*

27
28
29
30 Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

31
32 Policy History:

33 Adopted on: 4/11/2006

34 Reviewed on:

35 Revised on: 3/9/2010

1 **Roberts School District**

2

3 **PERSONNEL**

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4

5 Extra-Curricular Duties and Pay

6

7 All teachers are expected to sponsor extra-curricular activities and will be expected to take
8 tickets at basketball games and help with other school activities.

9

10 High School and Jr. High School teachers will be assigned as class advisors.

11

12 In addition to attending activities where assigned duty must be performed, teachers are
13 encouraged to attend as many school functions as possible, including athletic and non-athletic
14 events. This improves professional image and aids in public relations.

15

16 Salaries for extra-curricular duties will be paid only at the completion of the season ending
17 checkout with the Superintendent or his/her designee.

18

19 Fees for First Aid Courses required by the School District for teachers and bus drivers shall be
20 paid by the District.

21

22 Previous Reference: 200.18, 300.4, 200.16

23

24 Policy History:

25 Adopted on: 3/1998

26 Reviewed on:

27 Revised on: 6/2000

28 Revised on:

29

30 *School Specific Policy (not MTSBA)

31

2

3 **Athletic Policy**

4

5 An athletic season will consist of twelve weeks. Coaches of a varsity team that compete more
6 than twelve weeks in a given season will be compensated in addition to the regular coaching
7 stipend by finding their weekly rate and multiplying that number by the number of weeks the
8 season has been extended.

9

10

11 **Policy History:**

12 Adopted on: December 13, 2005

13 Reviewed on:

14 Revised on:

15

16 *School Specific Policy (not MTSBA)

1 **Roberts School District**

2
3 **PERSONNEL**

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4
5 Insurance Benefits for Employees

6
7 Newly hired employees are eligible for insurance benefits offered by the District for the
8 particular bargaining unit to which an employee belongs. Other employees will be offered
9 benefits consistent with the District benefit plan, with exceptions noted below:

- 10
11 1. Classified employees who are employed less than full time for a classified position,
12 scheduled for less than 40 hours a week, will not be eligible for group insurance and will
13 not be considered to be a member of defined employee insurance benefit group.
14
15 2. Any Certified employee who works part-time or more in a certified position is eligible for
16 group health. All medical insurance premiums will be prorated in the amount of a full
17 contract terms of full-time equivalency multiplied by the District's maximum
18 contribution as prescribed by the applicable collective bargaining agreement or Board
19 policy
20

21 A medical examination at the expense of the employee may be required, if the employee elects to
22 join the District health insurance program after initially refusing coverage during the "open
23 season" (*July). An eligible employee wishing to discontinue or change health insurance
24 coverage must initiate the action by contacting the personnel office and completing appropriate
25 forms.
26

27 Anniversary dates of the health and dental insurance policies for the District shall be July 1st
28 through June 30th.
29
30

31
32 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
33 § 2-18-703, MCA Contributions
34

35 Policy History:

36 Adopted on: October 11, 2005

37 Reviewed on:

38 Revised on:
39

2
3 **PERSONNEL**

4
5 HIPAA

6
7 *Note:*

8
9 *(1) Any school district offering a group "health care plan" for its employees is affected by*
10 *HIPAA. School districts offering health plans that are self-insured will be entirely responsible*
11 *for compliance with HIPAA, despite a third party administrator managing the plan. School*
12 *districts may also be subject to HIPAA as a "health care provider" by either having a school-*
13 *based health center or a school nurse. School-based health centers staffed and serviced by a*
14 *hospital or local health department are responsible for complying with HIPAA if there is a*
15 *sharing of records containing health information. For those districts providing the services of a*
16 *school nurse, HIPAA regulations issued in 2000 commented that an "educational institution that*
17 *employs a school nurse is subject to [the] regulations as a health care provider if the school*
18 *nurse or the school engaged in a HIPAA transaction." This transaction occurs when a school*
19 *nurse submits a claim electronically.*

20
21 *(2) Any personally identifiable health information contained in an "education record" under*
22 *FERPA is subject to FERPA, not HIPAA.*

23
24 Background

25
26 **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

27
28 The District's group health plan is a Covered Entity under the Health Insurance Portability and
29 Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the
30 Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related
31 regulations, the District has implemented the following HIPAA Privacy Policy:

32
33 **The HIPAA Privacy Rule**

34
35 HIPAA required the federal government to adopt national standards for *electronic health care*
36 *transactions*. At the same time, Congress recognized that advances in electronic technology
37 could erode the privacy of health information and determined there was a need for national
38 privacy standards. As a result HIPAA included provisions which mandated the adoption of
39 federal privacy standards for individually identifiable health information.

40
41 The standards found in the Privacy Rule are designed to protect and guard against the misuse of
42 individually identifiable health information, with particular concern regarding employers using
43 an employee's (or dependent's) health information from the group health plan to make adverse
44 employment-related decisions. The Privacy Rule states that verbal, written, or electronic
45 information that can be used to connect a person's name or identity with medical, treatment, or
46 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

_____ 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.

1
2 Designating a limited number of privacy contacts allows the District to control who is receiving

3
4
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6 page 3 of 5
7

8 PHI from the contract claims payor for plan operations purposes. The contract claims payor will
9 provide only the minimum PHI necessary for the stated purpose and, as required under the
10 Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan
11 operations purposes.

12
13 The District has distributed a notice of privacy practices to plan participants. The notice informs
14 plan participants of their rights and the District's privacy practices related to the use and
15 disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

16
17 The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure
18 of that information to employees who have a legitimate need to know or possess the PHI for
19 healthcare operations and functions. The District will make reasonable efforts to use de-
20 identified information whenever possible in the operations of the plan and will only use the
21 minimum PHI necessary for the stated purpose.

22
23 Some of the District's employees need access to PHI in order to properly perform the functions
24 of their jobs. The District has identified these employees and has given them training in the
25 important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New
26 employees who will have access to PHI will receive training on the HIPAA Privacy Rule and
27 related policies and procedures as soon as reasonably possible after they are employed.
28 Employees who improperly use or disclose PHI or misuse their access to that information may
29 be subject to discipline, as deemed appropriate.

30
31 In the event the group health plan must disclose PHI in the course of performing necessary plan
32 operations functions or as required by law or a governmental agency, the District has developed
33 a system to record those disclosures and requests for disclosures. An individual may request a
34 list of disclosures of his or her PHI made by the plan for other than treatment or claims payment
35 purposes. All requests for an accounting of PHI disclosures must be made in writing, and the
36 plan may impose fees for the cost of production of this information. Requests will be responded
37 to within sixty (60) days. If the plan is not able to provide the requested information within sixty
38 (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for
39 the delay and an estimated time for response.

40
41 In order to comply with the new privacy regulations, the plan has implemented compliant
42 communication procedures. Except for its use in legitimate healthcare operations, written
43 permission will be required in order for the District to disclose PHI to or discuss it with a third
44 party.

45
46 The HIPAA Privacy Rule prohibits the District from disclosing medical information without the

1 patient's written permission other than for treatment, payment, or healthcare operations purposes.
2 An authorization signed by the patient and designating specified individuals to whom the District
3 may disclose specified medical information must be on file, before the plan can discuss a
4 patient's medical information with a third party (such as a spouse, parent, group health plan
5 representative, or other individual).

6
7 5510
8 page 4 of 5

9 The District has taken the following steps to ensure PHI is safeguarded:

- 10
11 1. The District has implemented policies and procedures to designate who has and who does not
12 have authorized access to PHI.
- 13
14 2. Documents containing PHI are kept in a restricted/locked area.
- 15
16 3. Computer files with PHI are password protected and have firewalls making unauthorized
17 access difficult.
- 18
19 4. Copies of PHI will be destroyed when information is no longer needed, unless it is required
20 by law to be retained for a specified period of time.
- 21
22 5. The District will act promptly to take reasonable measures to mitigate any harmful effects
23 known to the group health plan, due to a use or disclosure of PHI in violation of the
24 plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- 25
26 6. The District will appropriately discipline employees who violate the District's group health
27 plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination
28 of employment if warranted by the circumstances.

29
30 The District has received signed assurances from the plan's business associates that they
31 understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will
32 safeguard PHI just as the plan would.

33
34 The contract claims payor and certain other entities outside the group health plan require access
35 on occasion to PHI, if they are business associates of the group health plan and in that role need
36 to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to
37 sign an agreement stating they understand HIPAA's privacy requirements and will abide by
38 those rules just as the group health plan does, to protect the PHI to which they have access. For
39 example the plan engages a certified public accountant to audit the plan annually and to make
40 sure payments are made in compliance with the Plan Document. In order for the CPA to
41 complete an audit, the auditor reviews a sample of the claims for accuracy.

42
43 The District will ensure health information will not be used in making employment and
44 compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit
45 an employer from making adverse employment decisions (demotions, terminations, etc.) based
46 on health information received from the group health plan. To the extent possible, the District

1 has separated the plan operations functions from the employment functions and has safeguards in
2 place to prevent PHI from the plan from going to or being used by an employee's supervisor,
3 manager, or superior to make employment-related decisions.
4
5
6
7
8

11
12 Complaints

13
14 If an employee believes their privacy rights have been violated, they may file a written complaint
15 with the Privacy Officer. No retaliation will occur against the employee for filing a complaint.
16 The contact information for the Privacy Officer is:

17
18 _____ [Name and Title]
19 _____ School District
20 _____ [Address]
21 _____ [Address]
22
23
24

25 Policy History:

26 Adopted on: 3/9/2010

27 Reviewed on:

28 Revised on:
29

2
3 **ADMINISTRATION**

4
5 Superintendent

6
7 Duties and Authorities

8
9 The Superintendent is the District’s executive officer and is responsible for the administration and
10 management of District schools, in accordance with Board policies and directives and state and federal
11 law. The Superintendent is authorized to develop administrative procedures to implement Board policy
12 and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the
13 Superintendent of responsibility for that which was delegated.
14

15 Qualifications and Appointment

16
17 The Superintendent will have the experience and skills necessary to work effectively with the Board,
18 District employees, students, and the community. The Superintendent must hold a valid administrative
19 certificate with superintendent’s endorsement issued by the State Certification Board.
20

21 When the Superintendent position becomes vacant, the Board will conduct a search to find the most
22 capable person for the position. Qualified staff members who apply for the position will be considered
23 for the vacancy.
24

25 Evaluation

26
27 At least annually the Board will evaluate the performance of the Superintendent, using standards and
28 objectives developed by the Superintendent and the Board, which are consistent with District mission and
29 goal statements. A specific time shall be designated for a formal evaluation session. The evaluation will
30 include a discussion of professional strengths, as well as performance areas needing improvement.
31

32 Compensation and Benefits

33
34 The Board and the Superintendent will enter into a contract which conforms to this policy and state law.
35 The contract will govern the employment relationship between the Board and the Superintendent.
36
37

38 Legal Reference: § 20-4-402, MCA Duties of district superintendent or county high
39 school principal

40 Previous Reference: 100.4

41
42 Policy History:

43 Adopted on: 3/9/2010

44 Reviewed on:

45 Revised on:
46

The Board will:	The Superintendent will:
Select the Superintendent and delegate to him/her all necessary administrative powers.	Serve as chief executive officer of the District.
Adopt policies for the operations of the school system and review administrative procedures.	Recommend policies or policy changes to the Board and develop procedures which implement Board policy.
Formulate a statement of goals reflecting the philosophy of the District.	Provide leadership in the development, operation, supervision, and evaluation of the educational program.
Adopt annual objectives for improvement of the District.	Recommend annual objectives for improvement of the District.
Approve courses of study.	Recommend courses of study.
Approve textbooks.	Recommend textbooks.
Approve the annual budget.	Prepare and submit the annual budget.
Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.	Recommend candidates for employment as certificated and classified staff.
Authorize the allocation of certificated and classified staff.	Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.
Approve contracts for major construction, remodeling, or maintenance.	Recommend contracts for major construction, remodeling, or maintenance.
Approve payment of vouchers and payroll.	Recommend payment of vouchers and payroll.
Approve proposed major changes of school	Prepare reports regarding school plant and

plant and facilities.	facilities needs.
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4

The Board will:	The Superintendent will:
Approve collective bargaining agreements.	Supervise negotiation of collective bargaining agreements.
Assure that appropriate criteria and processes for evaluating staff are in place.	Establish criteria and processes for evaluating staff.
Appoint citizens and staff to serve on special Board committees, if necessary.	Recommend formation of <i>ad hoc</i> citizens' committees.
Conduct regular meetings.	As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.
Serve as final arbitrator for staff, citizens, and students.	Inform the Board of appeals and implement any such forthcoming Board decisions.
Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.	Respond and take action on all criticism, complaints, and suggestions, as appropriate.
Authorize the ongoing professional enrichment of its administrative leader, as feasible.	Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.
Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.	Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

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NOTE: A copy of the Superintendent's evaluation may be included.

Procedure History:

Promulgated on: 3/9/2010

Reviewed on:

Revised on:

2
3 **ADMINISTRATION**

4
5 Duties and Qualifications of Administrative Staff Other Than Superintendent

6
7 Duty and Authority

8
9 As authorized by the Superintendent, administrative staff will have full responsibility for day-to-
10 day administration of the area to which they are assigned. Administrative staff are governed by
11 Board policies and are responsible for implementing administrative procedures relating to their
12 assigned responsibilities.

13
14 Each administrator’s duties and responsibilities will be set forth in a job description for that
15 particular position.

16
17 Qualifications

18
19 All administrative personnel must hold valid administrators’ certificates with appropriate
20 endorsements, issued by the State Certification Board, and must meet other qualifications as
21 specified in their position’s job description.

22
23 Administrative Work Year

24
25 The administrators’ work year will correspond with the District’s fiscal year, unless otherwise
26 stated in an employment agreement. In addition to legal holidays, the administrators will have
27 vacation periods as approved by the Superintendent.

28
29 Compensation and Benefits

30
31 Administrators will receive compensation and benefits as stated in their employment agreements.

32		
33		
34		
35	Legal Reference:	§ 20-4-401, MCA
36		Appointment and dismissal of district
37		superintendent or county high school principal
38		§ 20-4-402, MCA
39		Duties of district superintendent or county high
40		school principal
41		10.55.701, ARM
42		Board of Trustees

41 Policy History:

42 Adopted on: 3/9/2010

43 Reviewed on:

44 Revised on:

2
3 **ADMINISTRATION**

4
5 Principals

6
7 Principals are the chief administrators of their assigned schools. The primary responsibility of
8 Principals is the development and improvement of instruction. The majority of the Principals’
9 time shall be spent on curriculum and staff development through formal and informal activities,
10 establishing clear lines of communication regarding the school rules, accomplishments,
11 practices, and policies with parents and teachers. Principals are responsible for management of
12 their staff, maintenance of the facility and equipment, administration of the educational program,
13 control of the students attending the school, management of the school’s budget, and
14 communication between the school and the community. Principals will be evaluated on their
15 instructional leadership ability and their ability to maintain a positive education and learning
16 environment.
17
18
19

20 Legal Reference: § 20-4-403, MCA Powers and duties of principal
21 10.55.701, ARM Board of Trustees
22

23 Policy History:

24 Adopted on: 3/9/2010
25 Reviewed on:
26 Revised on:
27

2
3 **ADMINISTRATION**

4
5 Evaluation of Administrative Staff

6
7 Each administrator will be evaluated annually, in order to provide guidance and direction to the
8 administrator in the performance of his/her assignment. Such evaluation will be based on job
9 descriptions, accomplishment of annual goals and performance objectives, and established
10 evaluative criteria.

11
12 The Superintendent shall establish procedures for the conduct of these evaluations. Near the
13 beginning of the school year, the Superintendent shall inform the administrator of the criteria to
14 be used for evaluation purposes, including the adopted goals for the District. Such criteria shall
15 include performance statements dealing with leadership; administration and management; school
16 financing; professional preparation; effort toward improvement; interest in students, staff,
17 citizens, and programs; and staff evaluation.

18
19 Both the evaluator and the administrator involved in the evaluation will sign the written
20 evaluation report and retain a copy for their records. A person being evaluated has the right to
21 submit and attach a written statement to the evaluation within a reasonable time following the
22 evaluation conference.

23
24
25
26 Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than
27 Superintendent

28
29 Legal Reference: 10.55.701, ARM Board of Trustees

30
31 Policy History:

32 Adopted on: 3/9/2010

33 Reviewed on:

34 Revised on:

1 **Roberts School District**

2
3 **FINANCIAL MANAGEMENT**

7330

4
5 Payroll Procedures/Schedules

6
7 The District will establish one (1) or more days in each month as fixed paydays for payment of
8 wages in accord with the current collective bargaining agreement or District practice. Employees
9 may choose to have their salaries paid in full upon the last pay date following completion of their
10 assignments or may annualize their pay. Employees who choose to receive payment of wages
11 beyond the period in which the wages were earned (deferred payment) will be subject to Internal
12 Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to
13 (the first (1st) duty day) (July 1)¹ of the year of deferral. Forms for such deferral shall be made
14 available. Any change to the election must be made prior to the first (1st) duty day of the fiscal
15 year of the deferment.

16 When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next
17 regular payday for the pay period in which the employee left employment or within fifteen (15)
18 days, whichever occurs first.

19
20
21
22 Cross Reference: 5500 Payment of Wages Upon Termination

23
24 Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation

25
26 Policy History:

27 Adopted on: 3/9/2010

28 Reviewed on:

29 Revised on:

1 **Roberts School District**

2
3 **FINANCIAL MANAGEMENT**

7330F

4
5 **PAYROLL PROCEDURES/SCHEDULES**
6 **(Deferred Wage Payment Election Form)**
7

8 By my signature I hereby acknowledge that I have read and understand the School District's
9 policy on deferred wages. Furthermore, by my signature on this form, I am electing to defer
10 payment of my wages on an annualized basis consisting of _____ payments.
11 I understand that any change from an annualized election of payment requires that I notify the
12 District prior to the beginning of duty for the fiscal year in which the change is being given.
13

14
15
16 _____
17 Signature

18
19 _____
20 Printed name

21
22
23
24 **Form History:**
25 Adopted on: 3/9/2010
26 Reviewed on:
27 Revised on:
28

1 **Roberts School District**

2
3 **FINANCIAL MANAGEMENT**

7400

4
5 Credit Card Use

6
7 The Board of Trustees permits the use of District credit cards by certain school officials and Board members to pay
8 for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those
9 individuals that will be issued a District credit card will be maintained in the business office and reported to the
10 Board each year at its meeting in September. All credit cards will be preapproved by the Board and will be in the
11 name of the District.

12
13 All employees issued a credit card will be given a copy of this policy and will be required to sign off that they have
14 read the policy and understand district credit card guidelines. Credit cards may only be used for legitimate District
15 business expenditures. The use of credit cards is not intended to circumvent the District’s policy on purchasing.

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

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

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

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

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

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

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

41
42 Policy History:

43 Adopted on: 2/12/2008

44 Reviewed on:

45 Revised on:

4
5 Capitalization Policy for Fixed Assets

6
7 A fixed asset is a property that meets all the following requirements:

- 8
- 9 1. Must be tangible in nature;
- 10 2. Must have a useful life of longer than the current fiscal year; and
- 11 3. Must be of significant value.

12

13 Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset
 14 value for a donation will be the fair market value at the time of donation. The asset value for
 15 purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs
 16 related to placing the asset into operation. The cost of self-constructed assets will include both
 17 the cost of materials used and the cost of labor involved in construction of the asset.

18
19 The following significant values will be used for different classes of assets:

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$5000.00 or more
Buildings – improvements	\$5000.00 or more
Land	Any amount

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21
22
23
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25
26
27
28
29
30 Previous Policy: 200.17

31
32 Cross Reference: 7500 Property Records

33
34 Policy History:

35 Adopted on: June 2001

36 Reviewed on:

37 Revised on:

4
5 District Safety

6
7 For purposes of this policy, *“disaster means the occurrence or imminent threat of damage,*
8 *injury, or loss of life or property”*.

9
10 The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the
11 District. Rules for safety and prevention of accidents will be posted in compliance with the Montana Safety Culture
12 Act and the Montana Safety Act. Injuries and accidents will be reported to the District office.

13
14 The board of trustees has identified the following local hazards that exist within the boundaries
15 of its school district: Fire, Earthquake, High Winds, Tornadoes, Intruders, and Firearms

16
17 Prior to July 1, 2014 the Superintendent shall design and incorporate drills in its school safety
18 plan to address the aforementioned hazards. The trustees shall certify to the office of public
19 instruction on or before July 1, 2014, that a school safety plan has been adopted. This plan and
20 procedures will be discussed and distributed to each teacher at the beginning of each school year.
21 There will be at least eight (8) disaster drills a year in a school. All teachers will discuss safety
22 drill procedures with their class at the beginning of each year and will have them posted in a
23 conspicuous place next to the exit door. Drills must be held at different hours of the day or
24 evening to avoid distinction between drills and actual disasters. A record will be kept of all fire
25 drills.

26
27 The trustees shall review the school safety plan periodically and update the plan as determined
28 necessary by the trustees based on changing circumstances pertaining to school safety.

29
30 The Superintendent will develop safety and health standards which comply with the Montana
31 Safety Culture Act.

32	33 Legal Reference:	§ 20-1-401, MCA	Disaster drills to be conducted regularly
34			– districts to identify disaster risks and
35			adopt school safety plan
36		§ 20-1-402, MCA	Number of disaster drills required –
37			time of drills to vary
38		§§ 39-71-1501, et seq., MCA	Montana Safety Culture Act
39			

40 Policy History:

41 Adopted on: August 14, 2013

42 Reviewed on:

43 Revised on:

