

2
3 **STUDENTS**

4 Compulsory Attendance

5
6 Parents or legal guardians or legal custodians are responsible for seeing that their children who are age
7 seven (7) or older before the first (1st) day of school attend school until the later of the following dates:

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

11
12 **The provisions above do not apply in the following cases:**

- 13
- 14 **(a) The child has been excused under one of the conditions specified in 20-5-102.**
- 15 **(b) The child is absent because of illness, bereavement, or other reason prescribed by the**
- 16 **policies of the trustees.**
- 17 **(c) The child has been suspended or expelled under the provisions of 20-5-202.**
- 18 **(d) The child is excused pursuant to Section 2 of 20-5-103.**

19
20 Compulsory attendance stated above will not apply when children:

- 21
- 22 1. Are provided with supervised correspondence or home study; or
- 23 2. Are excused because of a determination by a district judge that attendance is not in the best
- 24 interests of the child; or
- 25 3. Are enrolled in a non-public or home school; or
- 26 4. Are enrolled in a school in another district or state; or
- 27 5. Are excused by the Board on a determination that attendance after age of sixteen (16) is not in the
- 28 best interests of the child and the school.

29

30 Legal Reference:	<u>§ 20-1-308, MCA</u>	<u>Religious instruction released time program</u>
	§ 20-5-101, MCA	Admittance of child to school
	<u>§ 20-5-102, MCA</u>	<u>Compulsory enrollment and excuses</u>
	§ 20-5-103, MCA	Compulsory attendance and excuses
	<u>§ 20-5-104, MCA</u>	<u>Attendance officer</u>
	<u>§ 20-5-106, MCA</u>	<u>Truancy</u>
	<u>§ 20-5-107, MCA</u>	<u>Incapacitated and indigent child attendance</u>
	§ 20-5-108, MCA	Tribal agreement with district for Indian child
		compulsory attendance and other agreements
	<u>§ 20-5-202, MCA</u>	<u>Suspension and Expulsion</u>

40 Policy History:

41 Adopted on: 11/03/1994
 42 Reviewed on: 11/10/2004
 43 Revised on:

1 **Big Fork School District #38**

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2
3 **STUDENTS**

3123

4
5 Attendance Policy - Truancy

6
7 Students are expected to attend all assigned classes each day. Teachers shall keep a record of
8 absence and tardiness. Before the end of the school day, each school shall attempt to contact
9 every parent, guardian, or custodian whose child is absent from school but who has not reported
10 the child as absent for the school day, to determine whether the parent, guardian, or custodian is
11 aware of the child’s absence from school.

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

18
19 The Bigfork School District’s definition of non-attendance without excuse is stated in Board
20 Policy 3122 and in the student handbook.

21
22 The Bigfork School District has appointed the Superintendent as the Attendance Officer(s) of the
23 district.

24
25 The Attendance Officer shall have the powers and duties as stated in 20-5-105(1) (Section 2),
26 MCA.

27		
28		
29	Legal Reference:	§ 20-5-103, MCA Compulsory attendance and excuses
30		§ 20-5-104, MCA Attendance officer
31		§ 20-5-105, MCA Attendance officer – powers and duties
32		§ 20-5-106, MCA Truancy
33		§ 20-5-107, MCA Incapacitated and indigent child attendance
34		§ 41-5-103(22), MCA Definitions

35 Procedure History:

36 Promulgated on:

37 Reviewed on: 08/13/2013

38 Revised on:

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3 **STUDENTS**

3125

4
5 Education of Homeless Children

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

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

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

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

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

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

34
35 Anyone having a concern or complaint regarding placement or education of a homeless child will first
36 present it orally and informally to the District homeless liaison. To further ensure that the District is
37 removing barriers to the educational access and success of children and youths who are homeless, and to
38 ensure that Title I funding is expended in an appropriate manner, the District has adopted the dispute
39 resolution form at 3125F.

- 40
41 Cross Reference: 1700 Uniform Complaint Procedure
42 3125F McKinney-Vento Homeless Educational Assistance Dispute Resolution
43 Legal Reference: 42 U.S.C. §§42 U.S.C. § 11301 *et seq* 11431, *et seq.*
44 McKinney Homeless Assistance Act
45 § 20-5-101, MCA Admittance of child to school

46
47 Policy History:

48 Adopted on: Reviewed on:
49 Revised on:

2
3 **STUDENTS**

4
5 Equal Education, Nondiscrimination and Sex Equity

6
7 The District will make equal educational opportunities available for all students without regard to race,
8 color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental
9 handicap or disability, economic or social condition, actual or potential marital or parental status,
10 **(OPTIONAL - additional optional provision noted below if not previously adopted)** No student will
11 be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any
12 right, privilege, or advantage, or denied equal access to educational and extracurricular programs and
13 activities.

14
15 **Inquiries regarding discrimination or intimidation should be directed to the District Title IX**
16 **Coordinator. Any individual may file a complaint alleging violation of this policy, Policy 3200-**
17 **Student Rights and Responsibilities, Policy 3225-Sexual Harassment/Intimidation of Students, or**
18 **Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-**
19 **Uniform Complaint Procedure.**

20
21 The District, in compliance with federal regulations, will notify annually all students, parents, staff, and
22 community members of this policy and the designated coordinator to receive inquiries. This annual
23 notification will include the name and location of the coordinator and will be included in all handbooks.

24
25 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against
26 students, staff, or volunteers with disabilities. The District will consider such behavior as constituting
27 discrimination on the basis of disability, in violation of state and federal law.

28
29 **Additional Optional Provision:**

30
31 *“gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or*
32 *femininity”*

33	Cross Reference:	1700	Uniform Complaint Procedure
34		3200	Student Rights and Responsibilities
35		3225	Sexual Harassment/Intimidation of Students
36		3226	Bullying/Harassment/Intimidation/Hazing
37			

38	Legal Reference:	Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education
39		§ 49-2-307, MCA Discrimination in education
40		24.9.1001, et seq., ARM Sex Discrimination in Education
41		Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
42		34 CFR Part 106 Nondiscrimination on the basis of sex in
43		education programs or activities receiving
44		Federal financial assistance
45		
46		

47 **Policy History:**

48 Adopted on: 11/03/1994
49 Reviewed on:
50 Revised on: 11/07/2002

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

13
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be
15 directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the
16 Department of Education, or both. The Board designates the following individual to serve as the
17 District's Title IX Coordinator:

18
19 Title: _____
20 Office address: _____
21 Email: _____
22 Phone number: _____
23

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

27
28 Title: _____
29 Office address: _____
30 Email: _____
31 Phone number: _____
32

33 Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights
34 and Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226-
35 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform
36 Complaint Procedure.

37
38 The District, in compliance with federal regulations, will notify annually all students, parents,
39 staff, and community members of this policy and the designated coordinator to receive inquiries.
40 This annual notification will include the name and location of the coordinator and will be
41 included in all handbooks.

42
43 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence
44 against students, staff, or volunteers with disabilities. The District will consider such behavior as
45 constituting discrimination on the basis of disability, in violation of state and federal law.

46
47 Cross Reference: 1700 Uniform Complaint Procedure

1 3200 Student Rights and Responsibilities
2 3225 Sexual Harassment/Intimidation of Students
3 3226 Bullying/Harassment/Intimidation/Hazing
4
5 Legal Reference: Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education
6 § 49-2-307, MCA Discrimination in education
7 24.9.1001, et seq., ARM Sex Discrimination in Education
8 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
9 34 CFR Part 106 Nondiscrimination on the basis of sex in
10 education programs or activities receiving
11 Federal financial assistance
12

13 Policy History:
14 Adopted on:
15 Reviewed on:
16 Revised on:

STUDENTS / PERSONNEL

Sexual Harassment Complaint Form

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

I wish to complain against:

Name of person, school (department), program, or activity _____

Address _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Date of the action against which you are complaining _____

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

<u>name</u>	<u>address</u>	<u>telephone number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The projected solution:

Indicate what you think can and should be done to solve the problem. Be as

specific as possible.

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

The principal or designated administrator shall give one copy to the complainant and shall retain one copy for the file.

DISTRICT CONTACT INDIVIDUALS

Alan Robbins	High School Principal - Title IX Coordinator
Tyson Roe	High School Counselor - Title IX Investigations
Brenda Clarke	Middle School Principal - Title IX Coordinator
Jennifer Wood	Middle School Counselor - Title IX Investigations
Mary Ahnert	Elementary School Counselor – Title IX Investigations
Matthew Jensen	District Superintendent

1 _____ School District

3225F

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
5 Title 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
22 • Were other individuals involved in the incident(s)? yes no
23 If so, name the individual(s) and explain their roles. _____
24 _____
25 _____
26 _____

27
28 • Did anyone witness the incident(s)? yes no
29 If so, name the witnesses. _____
30 _____
31 _____
32 _____

33
34 • Did you take any action in response to the incident? yes no
35 If yes, what action did you take? _____
36 _____
37 _____
38 _____

39
40 • Were there any prior incidents? yes no
41 If so, describe any prior incidents. _____
42 _____
43 _____

44
45 Signature of complainant _____

46
47 Signatures of parents/legal guardians _____

48
49 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*
50 *remain confidential in accordance with law and policy.*

2
3 **STUDENTS**

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5
6 Sexual Harassment Grievance Procedure - Students

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

12
13 Definitions

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

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

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

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

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

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

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

40
41 District Requirements

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

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2
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5 discrimination process, bullying and harassment policy, or public complaint procedure for
6 investigation.

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

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

27 28 Timelines

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

38 39 Response to a Formal Complaint

40
41 At the time of filing a formal complaint, a Complainant must be participating in or attempting to
42 participate in the education program or activity of the District with which the formal complaint is
43 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by
44 electronic mail, or other means designated by the District.
45

1 The District must follow the formal complaint process before the imposition of any disciplinary
2 sanctions or other actions that are not supportive measures. However, nothing in this policy
3 precludes the District from removing a Respondent from the District's education program or

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6
7 activity on an emergency basis, provided that the District undertakes an individualized safety and
8 risk analysis, determines that an immediate threat to the physical health or safety of any student
9 or other individual arising from the allegations of sexual harassment justifies removal, and
10 provides the Respondent with notice and an opportunity to challenge the decision immediately
11 following the removal. A period of removal may include the opportunity for the student to
12 continue instruction in an offsite capacity. The District may also place a non-student employee
13 Respondent on administrative leave during the pendency of the grievance process. This
14 provision may not be construed to modify any rights under the Individuals with Disabilities
15 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities
16 Act.

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

- 20
21 1. Notice of the allegations of sexual harassment, including information about the
22 identities of the parties involved in the incident, the conduct allegedly constituting
23 sexual harassment, the date and location of the alleged incident, and any sufficient
24 details known at the time. Such notice must be provided with sufficient time to
25 prepare a response before any initial interview;
26
27 2. An explanation of the District's investigation procedures, including any informal
28 resolution process;
29
30 3. A statement that the Respondent is presumed not responsible for the alleged
31 conduct and that a determination regarding responsibility will be made by the
32 decision-maker at the conclusion of the investigation;
33
34 4. Notice to the parties that they may have an advisor of their choice who may be, but
35 is not required to be, an attorney, and may inspect and review any evidence; and
36
37 5. Notice to the parties of any provision in the District's code of conduct or policy that
38 prohibits knowingly making false statements or knowingly submitting false
39 information.
40

41 If, in the course of an investigation, the District decides to investigate allegations about the
42 Complainant or Respondent that are not included in the notice initially provided, notice of the
43 additional allegations must be provided to known parties.
44

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

1 or by one party against the other party, where the allegations of sexual harassment arise out of
2 the same facts or circumstances.

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3
4 Investigation of a Formal Complaint
5

6 When investigating a formal complaint and throughout the grievance process, the District must:
7

- 8 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach
9 a determination regarding responsibility rests on the District and not the parties’;
- 10 2. Provide an equal opportunity for the parties to present witnesses and evidence;
11
- 12 3. Not restrict either party’s ability to discuss the allegations under investigation or to
13 gather and present relevant evidence;
14
- 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
17 the extent to which the advisor may participate in the proceedings, as long as the
18 restrictions apply equally to both parties;
19
- 20 5. Provide written notice of the date, time, location, participants, and purpose of any
21 interview or meeting at which a party is expected to participate, with sufficient time for
22 the party to prepare to participate;
23
- 24 6. Provide the parties equal access to review all the evidence collected which is directly
25 related to the allegations raised in a formal complaint and comply with the review
26 periods outlined in this process;
27
- 28 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
29
- 30 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who
31 facilitate an informal resolution process, do not have a conflict of interest or bias for or
32 against Complainants or Respondents generally or an individual Complainant or
33 Respondent;
34
- 35 9. Not make credibility determinations based on the individual’s status as Complainant,
36 Respondent or witness;
37
- 38 10. Not use questions or evidence that constitute or seek disclosure of privileged
39 information unless waived.
40

41
42 Dismissal of Formal Complaints
43

44 If the conduct alleged in the formal complaint would not constitute sexual harassment even if
45 proved, did not occur in the District’s education program or activity, or did not occur against a
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4 person in the United States, then the District must dismiss the formal complaint with regard to
5 that conduct for purposes of sexual harassment under this policy.
6

7 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any
8 time during the investigation or hearing, if applicable, when any of the following apply:
9

- 10 1. a Complainant provides written notification to the Title IX Coordinator that the
11 Complainant would like to withdraw the formal complaint or any allegations therein;
12
- 13 2. the Respondent is no longer enrolled or employed by the District or;
14
- 15 3. specific circumstances prevent the District from gathering evidence sufficient to reach a
16 determination as to the formal complaint or allegations therein.
17

18 Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the
19 reasons for dismissal simultaneously to both parties. The grievance process will close in the
20 event a notice of dismissal is provided to the parties. Support measures may continue following
21 dismissal.
22

23 Evidence Review

24

25 The District provides both parties an equal opportunity to inspect and review any evidence
26 obtained as part of the investigation so that each party can meaningfully respond to the evidence
27 prior to the conclusion of the investigation. The evidence provided by the District must include
28 evidence that is directly related to the allegations in the formal complaint, evidence upon which
29 the District does not intend to rely in reaching a determination regarding responsibility, and any
30 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to
31 completion of the investigative report, the Title IX Coordinator must send to each party and the
32 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a
33 hard copy. The parties have 10 calendar days to submit a written response to the Title IX
34 Coordinator, which the investigator will consider prior to completion of the investigative report.
35

36 Investigative Report

37

38 The investigator must prepare an investigative report that fairly summarizes relevant evidence
39 and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each
40 party and the party's advisor, if any, the investigative report in an electronic format or a hard
41 copy, for their review and written response. The parties have 10 calendar days to submit a
42 written response to the Title IX Coordinator.
43

44 Decision-Maker's Determination

45

1 The investigative report is submitted to the decision-maker. The decision-maker cannot be the
2 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a

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5
6 hearing or make a determination regarding responsibility until 10 calendar days from the date the
7 Complainant and Respondent receive the investigator's report.

8
9 Prior to reaching a determination regarding responsibility, the decision-maker must afford each
10 party the opportunity to submit written, relevant questions that a party wants asked of any party
11 or witness, provide each party with the answers, and allow for additional, limited follow-up
12 questions from each party. Questions and evidence about the Complainant's sexual
13 predisposition or prior sexual behavior are not relevant, unless such questions and evidence
14 about the Complainant's prior sexual behavior are offered to prove that someone other than the
15 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence
16 concern specific incidents of the Complainant's prior sexual behavior with respect to the
17 Respondent and are offered to prove consent. Questions must be submitted to the Title IX
18 Coordinator within three calendar days from the date the Complainant and Respondent receive
19 the investigator's report.

20
21 The decision-maker must issue a written determination regarding responsibility based on a
22 preponderance of the evidence standard. The decision-maker's written determination must:

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

37
38 A copy of the written determination must be provided to both parties simultaneously, and
39 generally will be provided within 60 calendar days from the District's receipt of a formal
40
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45

1 complaint.

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6
7 The determination regarding responsibility becomes final either on the date that the District
8 provides the parties with the written determination of the result of the appeal, if an appeal is
9 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered
10 timely.

11
12 Where a determination of responsibility for sexual harassment has been made against the
13 Respondent, the District will provide remedies to the Complainant that are designed to restore or
14 preserve equal access to the District's education program or activity. Such remedies may include
15 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need
16 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective
17 implementation of any remedies. Following any determination of responsibility, the District may
18 implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated
19 agreement. For students, the sanctions may include disciplinary action, up to and including
20 permanent exclusion.

21 22 Appeals

23
24 Either the Complainant or Respondent may appeal the decision-maker's determination regarding
25 responsibility or a dismissal of a formal complaint, on the following bases:

- 26
27 1. Procedural irregularity that affected the outcome of the matter;
28
29 2. New evidence that was not reasonably available at the time that could affect the
30 outcome and
31
32 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or
33 bias for or against Complainants or Respondents generally or an individual
34 Complainant or Respondent that affected the outcome.
35

36 The District also may offer an appeal equally to both parties on additional bases.
37

38 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar
39 days after the date of the written determination. The appeal decision-maker must not have a
40 conflict of interest or bias for or against Complainants or Respondents generally or an individual
41 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the
42 decision-maker from the original determination.
43

44 The appeal decision-maker must notify the other party in writing when an appeal is filed and
45 give both parties a reasonable equal opportunity to submit a written statement in support of, or
46 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a

1 written decision describing the result of the appeal and the rationale for the result. The decision
2 must be provided to both parties simultaneously, and generally will be provided within 10
3 calendar days from the date the appeal is filed.

7 Informal Resolution Process
8

9 Except when concerning allegations that an employee sexually harassed a student, at any time
10 during the formal complaint process and prior to reaching a determination regarding
11 responsibility, the District may facilitate an informal resolution process, such as mediation, that
12 does not involve a full investigation and determination of responsibility, provided that the
13 District:

- 14 1. Provides to the parties a written notice disclosing:
 - 15 A. The allegations;
 - 16 B. The requirements of the informal resolution process including the circumstances
17 under which it precludes the parties from resuming a formal complaint arising
18 from the same allegations, provided, however, that at any time prior to agreeing to
19 a resolution, any party has the right to withdraw from the informal resolution
20 process and resume the Title IX formal complaint process with respect to the
21 formal complaint; and
 - 22 C. Any consequences resulting from participating in the informal resolution process,
23 including the records that will be maintained or could be shared.
- 24 2. Obtains the parties' voluntary, written consent to the informal resolution process.
25

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

32 Recordkeeping
33

34 The District must maintain for a period of seven years records of:
35

- 36 1. Each sexual harassment investigation, including any determination regarding
37 responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies
38 provided to the Complainant designed to restore or preserve equal access to the
39 District's education program or activity;

- 1 2. Any appeal and the result therefrom;
2
3 3. Any informal resolution and the result therefrom; and
4

- 5
6
7 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and
8 any person who facilitates an informal resolution process. The District must make
9 these training materials publicly available on its website.
10

11 The District must create, and maintain for a period of seven years, records of any actions,
12 including any supportive measures, taken in response to a report or formal complaint of sexual
13 harassment. In each instance, the District must document the basis for its conclusion that its
14 response was not deliberately indifferent, and document that it has taken measures designed to
15 restore or preserve equal access to the District's education program or activity.
16

17 Cross Reference: Policy 3210 Equal Education, Nondiscrimination and Sex Equity
18 Policy 3225 Sexual Harassment
19 Policy 3310 Student Discipline
20

21 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
22 Section 49-3-101, et seq., MCA, Montana Human Rights Act
23 Civil Rights Act, Title VI; 42 USC 2000d et seq.
24 Civil Rights Act, Title VII; 42 USC 2000e et seq.
25 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
26 Section 20-5-201, MCA, Duties and Sanctions
27 Section 20-5-202, MCA, Suspension and Expulsion
28 34 CFR Part 106 Nondiscrimination on the basis of sex in
29 education programs or activities receiving
30 Federal financial assistance
31 10.55.701(1)(f), ARM Board of Trustees
32 10.55.719, ARM Student Protection Procedures
33 10.55.801(1)(a), ARM School Climate
34

35 Policy History:

36 Adopted on:

37 Reviewed on:

38 Revised on:

1 **Big Fork School District #38**

2
3 **STUDENTS**

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4
5 Sexual Harassment Investigation Procedures

6
7 Reporting

8
9 Any student who believes he or she has been the victim of sexual harassment, or any individual who has
10 witnessed or heard of an incident and who suspects sexual harassment has occurred, should contact a
11 teacher, building principal, counselor, or the Title IX coordinator for information about sexual harassment
12 policy and procedure. The purpose of this contact is to provide specific information about a possible
13 complaint and to learn the rights, policies, and procedures for filing a complaint.

14
15 There is no deadline to report an allegation of sexual harassment. Delays in reporting, however, may
16 result in delayed knowledge and increased difficulty in resolving the problem satisfactorily, or in reduced
17 access to other options. Individuals are encouraged to bring complaints of sexual harassment to the
18 attention of a school official as soon as possible after the alleged occurrence.

19
20 Conflict of Interest

21
22 If a potential conflict of interest exists for the principal or Title IX coordinator, the superintendent may be
23 notified of the allegations and the conflict of interest. In the event there is a conflict of interest with the
24 superintendent, the chairman of the Board of Trustees may be notified.

25
26 Frivolous or Malicious Charges

27
28 Accusations of sexual harassment are of utmost seriousness and should never be made casually and
29 without cause. This procedure shall not be used to bring frivolous or malicious charges against students,
30 faculty members, or other employees. Disciplinary action may be taken against any person bringing a
31 charge of sexual harassment which is deliberately false.

32
33 Protection of Rights

34
35 Bigfork School District will not tolerate retaliation or discrimination against persons who report or charge
36 sexual harassment or against those who testify, assist, or participate in any investigation, proceeding, or
37 hearing involving a complaint of sexual harassment. Retaliation may include speech or conduct that
38 adversely affects another individual and is motivated by intent to harm the targeted person because of his
39 or her participation in the filing or investigation of an allegation of sexual harassment. Any such
40 retaliation
or any encouragement of another to retaliate, subjects the person retaliating to disciplinary action. If an
individual believes he/she has been subject to retaliation, he/she should contact the Title IX coordinator or
building principal.

Definition

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions.
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, notes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational environment.
9. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Investigation Procedures (Student to Student Sexual Harassment/Intimidation)

1. The principal or designated administrator should promptly investigate all incidents of possible sexual harassment. Information that initiates an investigation may be a formal complaint utilizing the sexual harassment complaint form, an informal complaint from the victim, a first hand

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observation of a witness, or any other information leading to the conclusion that sexual harassment may have occurred. During the initial investigation the principal or designated administrator shall talk individually with:

- a. The alleged victim
 - b. The alleged perpetrator of the sexual harassment
 - c. Any identified or possible witnesses including staff and students
2. The alleged victim shall have an opportunity to describe the incident, identify witnesses, present any evidence of the harassment and put his or her complaint in writing. The principal or designated administrator shall tell the alleged victim that he or she has the right to file a formal complaint in accordance with the district's Sexual Harassment Complaint form. If the student wishes to file a formal complaint the principal or designated administrator shall assist the student in understanding the information requested.
 3. The individual accused of sexual harassment shall have an opportunity to present his or her side of the alleged incident, identify witnesses, and present any evidence relative to his or her role in the matter.
 4. Depending on the seriousness of the incident, the principal or designated administrator shall make an effort to notify the parents of the alleged victim and the accused within a reasonable period of time. The purpose of the notification is to advise parents of the investigation.
 5. The alleged victim, the accused, and any witnesses questioned should all be advised of the need to maintain privacy and confidentiality of the parties involved. This caution does not include the parents or guardian of the alleged victim or the accused.
 6. In reaching a decision about the complaint or possible sexual harassment incident, the principal or designated administrator may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of harassment by the accused person
 7. To determine the severity of the harassment, the principal or designated administrator may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of harassment
 - e. The subject(s) of harassment

- f. The place and situation where the incident occurred
- g. Other incidents at the school, including incidents of harassment that were not related to sex

8. Should the principal or designated administrator determine there is sufficient evidence to conclude that sexual harassment may have occurred the matter will be referred to the superintendent who shall initiate a formal inquiry utilizing the Title IX investigation team. All evidence and the names of all parties involved, including witnesses, shall be provided to the Title IX team.

Formal Investigation Procedures (Student to Student Harassment)

After receiving a report or formal complaint, the Title IX investigation team or an individual as designated by the District administration, shall conduct an investigation and make written recommendation within thirty (30) days to the Superintendent. In determining whether alleged conduct constitutes sexual harassment, the team will consider many items including the facts of the allegation, case law, state and federal laws and regulations, the District's policy prohibiting sexual harassment and intimidation, any past behavior, any training the accused individual has received and other items as appropriate.

Should the Title IX investigation team determine that insufficient evidence exists to conclude that sexual harassment occurred the team shall provide written cause for such findings.

Should the Title IX investigation team determine that sufficient evidence exists to conclude that sexual harassment occurred the team shall provide written cause for such findings along with a detailed recommendation for corrective and remediation action.

1. On receipt of a recommendation from the investigation team that cause exists to credit the allegations of sexual harassment or intimidation, the superintendent may take action based on the report/recommendation or the superintendent may conduct his or her own investigation into the charges. The superintendent may also appoint an outside investigator to conduct the investigation.
2. Such investigation must be completed within thirty (30) days of receipt by the superintendent of the recommendation from the investigation team.
3. Pending such an investigation, the superintendent or building administrator or other supervisor may take any action necessary to protect the alleged victim, or other employees or students consistent with requirements of applicable regulations and statutes.
4. Consistent with the requirements of applicable regulations or statutes, the superintendent may take such action deemed necessary and appropriate after the completion of the investigation.

5. The final disposition of the case may be by action of the Board of Trustees.

Remediation

A plan will be developed to provide student victims and witnesses of harassment with counseling and other support services to help them cope with the effects of harassment or intimidation.

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Corrective Action

A substantiated charge against a student shall subject that student to disciplinary action in accordance with Board policy and the student handbook, including suspension or expulsion. Other corrective action against the student may be taken as necessary to ensure that further sexual harassment, retaliation or intimidation does not occur.

Confidentiality

The Confidentiality rights of all parties will be observed within the requirements of state and federal statutes.

Both the complainant and the accused shall be notified in writing whether sufficient evidence exists to support the allegations of sexual harassment. If the investigation determines that the allegations are unsubstantiated, preventive measures may still be directed by the school administrators.

Should the investigation findings determine there is credible evidence to support the allegations the accused student shall be notified in writing of any corrective measures assigned. Due to confidentiality requirements, the complainant will not be provided detailed investigation findings, witness testimony or administratively assigned corrective measures.

Investigation Involving Staff

Sexual Harassment / Intimidation complaints involving staff shall be referred to the District Superintendent who shall conduct the investigation in accordance with Board policy 5012, Personnel. Complaints involving the Superintendent shall be referred to the Chairman of the Board of Trustees.

Legal References: Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Montana Constitution Article X, Section 1
Montana Human Rights Act 49-2-101 *et seq.*
MCA
Implementing state and federal regulations

DISTRICT CONTACT INDIVIDUALS

Alan Robbins High School Principal - Title IX Coordinator
Tyson Roe High School Counselor - Title IX Investigations
Brenda Clarke Middle School Principal - Title IX Coordinator

Mary Ahnert
Jennifer Wood
Matthew Jensen

Elementary School Counselor - Title IX Investigations
Middle School Counselor – Title IX Investigations
District Superintendent

- 1 Policy History:
- 2 Adopted on:
- 3 Reviewed on:
- 4 Revised on: 11/06/2003

1 _____ **School District**

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3 **STUDENTS**

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4
5 Sexual Harassment of Students

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

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

15
16 Title: _____
17 Office address: _____
18 Email: _____
19 Phone number: _____
20

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

25
26 For purposes of this policy and the grievance process, "sexual harassment" means conduct on the
27 basis of sex that satisfies one or more of the following:

- 28
- 29 1. A District employee conditioning the provision of an aid, benefit, or service of the
30 District on an individual's participation in unwelcome sexual conduct;
 - 31
32 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
33 objectively offensive that it effectively denies a person equal access to the District's
34 education program or activity or
 - 35
36 3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in
37 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or
38 "stalking" as defined in 34 USC 12291(a)(30).

39
40 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
41 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination
42 process for investigation.

43
44 An individual is not required to submit a report of sexual harassment involving the Title IX
45 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged

1 harassment, the individual may report the allegations to the building principal or superintendent
2 or other unbiased school official.

6 Retaliation Prohibited
7

8 The District prohibits intimidation, threats, coercion or discrimination against any individual for
9 the purpose of interfering with any right or privilege secured by Title IX or this policy, or
10 because the individual has made a report or complaint, testified, assisted, or participated or
11 refused to participate in any manner in an investigation proceeding or hearing, if applicable.
12 Intimidation, threats, coercion, or discrimination, including charges against an individual for
13 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise
14 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report
15 or formal complaint of sexual harassment, for the purpose of interfering with any right or
16 privilege secured by Title IX or this part, constitutes retaliation.
17

18 Confidentiality
19

20 The District must keep confidential the identity of any individual who has made a report or
21 complaint of sex discrimination, including any individual who has made a report or filed a
22 formal complaint of sexual harassment, any individual who has been alleged to be the victim or
23 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may
24 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or
25 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,
26 hearing or judicial proceeding arising thereunder.
27

28 Notice Requirements
29

30 The District provides notice to applicants for admission and employment, students, parents or
31 legal guardians of elementary and secondary school students, employees and the union(s) with
32 the name or title, office address, email address and telephone number of the Title IX Coordinator
33 and notice of the District grievance procedures and process, including how to report or file a
34 complaint of sex discrimination, how to file a formal complaint of sexual harassment and how
35 the District will respond. The District also posts the Title IX Coordinator's contact information
36 and Title IX policies and procedures in a prominent location on the District website and in all
37 handbooks made available by the District.
38

39 Training Requirements
40

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

1 and investigators receive training on issues of relevance of questions and evidence, including
2 when questions and evidence about the complainant's sexual predisposition or prior sexual
3
4

8 behavior are not relevant as set forth in the formal procedures that follow, and training on any
9 technology to be used at a live hearing, if applicable. Investigators also receive training on
10 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All
11 materials used to train individuals who receive training under this section must not rely on sex
12 stereotypes and must promote impartial investigations and adjudications of formal complaints of
13 sexual harassment and are made publicly available on the District's website.
14

15 Conflict of Interest and Bias
16

17 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
18 who facilitates an informal resolution process do not have a conflict of interest or bias for or
19 against complainants or respondents generally or an individual complainant or respondent.
20

21 Determination of Responsibility
22

23 The individual who has been reported to be the perpetrator of conduct that could constitute
24 sexual harassment is presumed not responsible for alleged conduct. A determination regarding
25 responsibility will be made by the decision-maker at the conclusion of the investigation in
26 accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed
27 unless and until a final determination of responsibility is reached.
28

29 Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity
30 Policy 3225P – Sexual Harassment Procedures
31
32

33 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
34 §§ 49-3-101, et seq., MCA Montana Human Rights Act
35 Civil Rights Act, Title VI; 42 USC 2000d et seq.
36 Civil Rights Act, Title VII; 42 USC 2000e et seq.
37 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
38 34 CFR Part 106 Nondiscrimination on the basis of sex in
39 education programs or activities receiving
40 Federal financial assistance
41 10.55.701(1)(f), ARM Board of Trustees
42 10.55.719, ARM Student Protection Procedures
43 10.55.801(1)(a), ARM School Climate
44

45 Policy History:
46 Adopted on:

- 1 Reviewed on:
- 2 Revised on:

2
3 **STUDENTS**

4
5 Sexual Harassment, Sexual Intimidation and Sexual Misconduct

6
7 Sexual harassment, sexual intimidation, and sexual misconduct are forms of discrimination and
8 are prohibited. An employee, District agent, or student engages in sexual harassment, sexual
9 intimidation, and sexual misconduct whenever that individual makes unwelcome advances,
10 requests sexual favors, or engages in other verbal, non-verbal, electronic or physical contact or
11 conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

- 12
- 13 1. Denies, deprives, or limits the provision of educational aid, benefits, services,
14 opportunities, or treatment, or that makes such conduct a condition of a student's
15 academic status; or
 - 16
 - 17 2. Has the purpose or effect of:
 - 18 a. Substantially interfering with a student's educational environment;
 - 19
 - 20 b. Creating an intimidating, hostile, or offensive educational environment;
 - 21
 - 22 c. Denying, depriving, or limiting the provision of educational aid, benefits,
23 services, opportunities, or treatment; or
 - 24
 - 25 d. Making submission to or rejection of such unwelcome conduct the basis for
26 academic decisions affecting a student.
27

28
29 Sexual harassment, sexual intimidation and sexual misconduct prohibited by this policy includes verbal,
30 electronic, or physical contact or conduct. The terms "intimidating," "hostile," "misconduct," and
31 "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort.
32 Examples of sexual harassment, sexual intimidation, and sexual misconduct include but are not
33 limited to unwelcome or forceful physical touching, crude jokes or pictures, discussions of
34 sexual experiences, pressure or requests for sexual activity or favors, intimidation by words,
35 actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors
36 related to a person's alleged sexual activities. The District will evaluate sexual harassment,
37 sexual intimidation, and sexual misconduct in light of all circumstances.

38
39 Students who believe that they may have been sexually harassed or intimidated should consult a
40 counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint
41 process. Supervisors or teachers who knowingly condone or fail to report or assist a student to
42 take action to remediate such behavior of sexual harassment or intimidation may themselves be
43 subject to discipline. The District will report any suspected child abuse or neglect to proper
44 authorities in accordance with District Policy 5232. The District is authorized to report any
45 violation of this policy to law enforcement that is suspected to be a violation of state or federal
46 criminal laws.

1 Any District employee who is determined, after an investigation, to have engaged in sexual
2 harassment will be subject to disciplinary action up to and including discharge. Any student of
3 the District who is determined, after an investigation, to have engaged in sexual harassment will
4 be subject to disciplinary action, including but not limited to suspension and expulsion consistent
5 with the District's discipline policy.

6 3225
7 page 2 of 2
8

9 ~~The District will make every effort to ensure that employees or students accused of sexual~~
10 ~~harassment or intimidation are given an appropriate opportunity to defend themselves against~~
11 ~~such accusations.~~

12
13 To the greatest extent possible, the District will treat complaints in a confidential manner. The
14 District realizes that limited disclosure may be necessary in order to complete a thorough
15 investigation. Retaliation against persons who file a complaint is a violation of law prohibiting
16 discrimination and will lead to disciplinary action against an offender.

17
18 Any individual seeking further information should consult the Superintendent for the name of the
19 current Title IX Coordinator for the District. The Superintendent will ensure that student and
20 employee handbooks include the name, address, and telephone number of an individual
21 responsible for coordinating District compliance efforts.

22
23 ~~An individual with a complaint alleging a violation of this policy should follow the Uniform~~
24 ~~Complaint Procedure.~~

25
26 Any person who knowingly makes a false accusation regarding sexual harassment likewise will
27 be subject to disciplinary action up to and including discharge with regard to employees or
28 suspension and expulsion with regard to students.

29
30 Cross Reference: 1700 Uniform Complaint Procedure
31 **5232 Abused and Neglected Child Reporting**
32

33 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
34 §§ 49-3-101, et seq., MCA Montana Human Rights Act
35 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
36 34 CFR Part 106 Nondiscrimination on the basis of sex in
37 education programs or activities receiving
38 Federal financial assistance
39 10.55.701(1)(f), ARM Board of Trustees
40 10.55.719, ARM Student Protection Procedures
41 10.55.801(1)(a), ARM School Climate
42

43 Policy History:

44 Adopted on: 08/07/2003

45 Reviewed on:

46 Revised on: 11/06/2003

STUDENTS

Bullying/Harassment/Intimidation/Hazing

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

Definitions

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

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

Cross Reference: 3225 Sexual Harassment
 3225 Sexual Harassment Grievance Procedure
 3225F Harassment Reporting/Intake Form for Students

Legal Reference: § 20-5-207, MCA “Bully-Free Montana Act”
 § 20-5-208, MCA Definition
 § 20-50-209, MCA Bullying of student prohibited

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§ 20-5-210, 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:

Reviewed on:

Revised on:

2
3 **STUDENTS**

4
5 Suspension and Expulsion - Corrective Actions and Punishment

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

8
9 Suspension

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

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

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

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

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

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

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

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

45
46 Expulsion

- 47
48 • “Expulsion” is any removal of a student for more than twenty (20) school days without the
49 provision of educational services. Expulsion is a disciplinary action available only to the Board.

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

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

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

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

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

Possession, Use, and Being Under The Influence

➤ **First Offense**

- **Suspension (OSS) from school for 90 consecutive school days. Suspension start and end dates determined by the Board of Trustees.**

➤ **First Offense – Alternative Corrective Action (in lieu of 90-day Out of School Suspension)**

- **Out of School (OSS) Suspension of 3 to 10 days**
- **In School Suspension (ISS) of 2 to 20 days**
- **Twenty (20) hours of community service as approved by the Building Principal**
- **Chemical abuse evaluation and required participation in Student Assistance Program or completion of a drug and alcohol awareness class**
- **Participation or attendance at any school activity is prohibited during the period of the suspension**
- **Presence of school campus is prohibited**
- **Loss of driving and parking privileges on school campus until all other stipulations are successfully met**
- **Behavior and attendance contract for period of 90 school days**
- **Montana High School Association and school district policies apply to participation in extra-curricular activities**

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3
4 **Should the student refuse to accept any of the conditions imposed in First Offense –**
5 **Alternative Corrective Action in lieu of suspension, the Board shall suspend the**
6 **student for a term of 90 consecutive school days. Should the student fail to abide by**
7 **any of the conditions imposed in First Offense –Alternative Corrective Action in lieu**
8 **of suspension, the student shall be suspended by the administration for the balance**
9 **of the 90 school days from the original date of suspension unless the term of the**
10 **suspension is modified by the Board upon a request from the student for a hearing.**

11
12 **➤ Second Offense:**

- 13 • **Permanent expulsion with right to petition the Board for readmission during**
14 **a subsequent school year as determined by the Board**
- 15 • **The Board may establish criteria for readmission which may include, but**
16 **not limited to, the following:**
 - 17 ❖ **Successful completion of drug and alcohol class**
 - 18 ❖ **Proof of continued successful academic work**
 - 19 ❖ **Proof of appropriate conduct**

20
21
22 **The Board is under no obligation to accept a petition for readmission or meet with the parties**
23 **involved.**

24
25 **Criminal Distribution of Drugs**

26
27 **➤ First Offense:**

- 28 • **Permanent expulsion**

29
30 **Procedures for Suspension and Expulsion of Students With Disabilities**

31
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 a
38 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 the
47 District demonstrates that maintaining the student in the student's current placement is substantially likely
48 to result in injury to the student or to others. After a child with a disability has been removed from his or
49 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	

Procedure History:

Adopted on: 11/03/1994
Reviewed on:
Revised on: 01/07/2002, 07/10/2003, 07/14/2009, 06/11/2014

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3 **STUDENTS**

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5 Student Discipline

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

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

- 13
- 14 • Using, possessing, distributing, purchasing, or selling tobacco products, and alternative
15 nicotine and vapor products as defined in 16-11-302, MCA.
 - 16 • Using, possessing, distributing, purchasing, or selling alcoholic beverages, including
17 powdered alcohol. Students who may be under the influence of alcohol will not be
18 permitted to attend school functions and will be treated as though they had alcohol in
19 their possession.
 - 20 • Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs,
21 marijuana, controlled substances, or any substance which is represented to be or looks
22 like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic
23 beverage, stimulant, depressant, or intoxicant of any kind, including such substances that
24 contain chemicals which produce the same effect of illegal substances including but not
25 limited to Spice and K2. Students who may be under the influence of such substances
26 will not be permitted to attend school functions and will be treated as though they had
27 drugs in their possession.
 - 28 • Using, possessing, controlling, or transferring a firearm or other weapon in violation of
29 Policy 3311.
 - 30 • Using, possessing, controlling, or transferring any object that reasonably could be
31 considered or used as a weapon as referred to in Policy 3311.
 - 32 • Disobeying directives from staff members or school officials or disobeying rules and
33 regulations governing student conduct.
 - 34 • Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable
35 conduct toward anyone or urging other students to engage in such conduct.
 - 36 • Causing or attempting to cause damage to, or stealing or attempting to steal, school
37 property or another person's property.
 - 38 • Engaging in any activity that constitutes an interference with school purposes or an
39 educational function or any other disruptive activity.
 - 40 • Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic
41 and habitual truants.
 - 42 • Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or
43 retaliation against any person who alleged misconduct under Policy 3225 or 3226 or
44 participated in an investigation into alleged misconduct under Policy 3225 or 3226.
 - 45 • Defaces or damages any school building, school grounds, furniture, equipment, or book
46 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.
- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

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

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

Disciplinary Measures

Disciplinary measures include but are not limited to:

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

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-

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disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

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

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

- Legal Reference: § 16-11-302(1)(7), MCA Definitions
- § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
- § 20-5-202, MCA Suspension and expulsion
- § 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
- § 45-5-637, MCA Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age is prohibited – unlawful attempt to purchase - penalties
- 29 U.S.C. § 701 Rehabilitation Act of 1973
- Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”
- January 1, 2021

Policy History:

- Adopted on:
- Reviewed on:
- Revised on:

Student-Athlete & Parent/Legal Guardian Concussion Statement 3415F

Because of the passage of the Dylan Steigers' Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete's parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: _____

This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.

Parent/Legal Guardian Name(s): _____

We have read the *Student-Athlete & Parent/Legal Guardian Concussion Information Sheet*.

If true, please check box

After reading the information sheet, I am aware of the following information:

Student-Athlete Initials		Parent/Legal Guardian Initials
	A concussion is a brain injury, which should be reported to my parents, my coach(es), or a medical professional if one is available.	
	A concussion can affect the ability to perform everyday activities such as the ability to think, balance, and classroom performance.	
	A concussion cannot be "seen." Some symptoms might be present right away. Other symptoms can show up hours or days after an injury.	
	I will tell my parents, my coach, and/or a medical professional about my injuries and illnesses.	N/A
	If I think a teammate has a concussion, I should tell my coach(es), parents, or licensed health care professional about the concussion.	N/A
	I will not return to play in a game or practice if a hit to my head or body causes any concussion-related symptoms.	N/A
	I will/my child will need written permission from a licensed health care professional to return to play or practice after a concussion.	
	After a concussion, the brain needs time to heal. I understand that I am/my child is much more likely to have another concussion or more serious brain injury if return to play or practice occurs before concussion symptoms go away.	
	Sometimes, repeat concussions can cause serious and long-lasting problems.	
	I have read the concussion symptoms on the Concussion fact sheet.	

Signature of Student-Athlete

Date

Signature of Parent/Legal Guardian

Date

A Fact Sheet for **ATHLETES**

WHAT IS A CONCUSSION?

A concussion is a brain injury that:

- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven't been knocked out
- Can be serious even if you've just been "dinged"

WHAT ARE THE SYMPTOMS OF A CONCUSSION?

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not "feel right"

WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?

- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.

- **Get a medical checkup.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

HOW CAN I PREVENT A CONCUSSION?

Every sport is different, but there are steps you can take to protect yourself.

- Follow your coach's rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:

- > The right equipment for the game, position, or activity
- > Worn correctly and fit well
- > Used every time you play

Remember, when in doubt, sit them out!

A Fact Sheet for PARENTS

WHAT IS A CONCUSSION?

A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.

You can’t see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

Signs Observed by Parents or Guardians

If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:

- Appears dazed or stunned
- Is confused about assignment or position
- Forgets an instruction
- Is unsure of game, score, or opponent
- Moves clumsily • Answers questions slowly
- Loses consciousness (even briefly)
- Shows behavior or personality changes
- Can’t recall events prior to hit or fall
- Can’t recall events after hit or fall

Symptoms Reported by Athlete

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems
- Confusion
- Does not “feel right”

HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?

Every sport is different, but there are steps your children can take to protect themselves from concussion.

- Ensure that they follow their coach’s rules for safety and the rules of the sport.
- Encourage them to practice good sportsmanship at all times.
- Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
- Learn the signs and symptoms of a concussion.

WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD HAS A CONCUSSION?

- 1. Seek medical attention right away.** A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.
- 2. Keep your child out of play.** Concussions take time to heal. Don’t let your child return to play until a health care professional says it’s OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.
- 3. Tell your child’s coach about any recent concussion.** Coaches should know if your child had a recent concussion in ANY sport. Your child’s coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

Remember, when in doubt, sit them out!
It's better to miss one game than the whole season.

Be Prepared

A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a blow to the body that causes the head to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be mild bump or blow to the head can be serious. Concussions can occur in any sport or recreation activity. So, all coaches, parents, and athletes need to learn concussion signs and symptoms and what to do if a concussion occurs.

SIGNS AND SYMPTOMS OF A CONCUSSION

SIGNS OBSERVED BY PARENTS OR GUARDIANS	SYMPTOMS REPORTED BY YOUR CHILD OR TEEN	
<ul style="list-style-type: none"> •Appears dazed or stunned •Is confused about events •Answers questions slowly •Repeats questions •Can't recall events prior to the hit, bump, or fall •Can't recall events after the hit, bump, or fall •Loses consciousness (even briefly) •Shows behavior or personality changes •Forgets class schedule or assignments 	<p><u>Thinking/Remembering:</u></p> <ul style="list-style-type: none"> •Difficulty thinking clearly •Difficulty concentrating or remembering •Feeling more slowed down •Feeling sluggish, hazy, foggy, or groggy <p><u>Physical:</u></p> <ul style="list-style-type: none"> •Headache or “pressure” in head •Nausea or vomiting •Balance problems or dizziness •Fatigue or feeling tired •Blurry or double vision •Sensitivity to light or noise •Numbness or tingling •Does not “feel right” 	<p><u>Emotional:</u></p> <ul style="list-style-type: none"> •Irritable •Sad •More emotional than usual •Nervous <p><u>Sleep*:</u></p> <ul style="list-style-type: none"> •Drowsy •Sleeps less than usual •Sleeps more than usual •Has trouble falling asleep <p><i>*Only ask about sleep symptoms if the injury occurred on a prior day.</i></p>

LINKS TO OTHER RESOURCES

- CDC –Concussion in Sports
 - <http://www.cdc.gov/concussion/sports/index.html>
- National Federation of State High School Association/ Concussion in Sports - What You Need To Know
 - www.nfhslearn.com

- Montana High School Association – Sports Medicine Page
 - <http://www.mhsa.org/SportsMedicine/SportsMed.htm>

1 **Big Fork School District #38**

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3 **STUDENTS**

3415

4
5 Management of Sports Related Concussions

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

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

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

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

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

32	Legal Reference:	<u>Dylan Steigers Protection of Youth Athletes Act</u>
33		<u>20-7-1301, MCA Purpose</u>
34		<u>20-7-1302, MCA Definitions</u>
35		<u>20-7-1303, MCA Youth athletes – concussion education requirements</u>
36		<u>20-7-1304, MCA Youth athletes – removal from participation</u>
37		<u>following concussion – medical clearance required</u>
38		<u>before return to participation</u>
39		

40
41 Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement

42
43 Policy History:

44 Adopted on:

45 Reviewed on:

46 Revised on: 08/13/2013

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3 **STUDENTS**

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5 Management of Sports Related Concussions

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7 A. Athletic Director or Administrator in Charge of Athletic Duties:

- 8 1. *Updating:* Each spring, the athletic director, or the administrator in charge of athletics if there
- 9 is no athletic director, shall review any changes that have been made in procedures required
- 10 for concussion and head injury management or other serious injury by consulting with the
- 11 MHSA or the MHSA Web site, U.S. DPHHS, and CDCP web site. If there are any updated
- 12 procedures, they will be adopted and used for the upcoming school year.
- 13 2. *Identified Sports:* Identified sports include all organized youth athletic activity sponsored by
- 14 the school or school district.

15 B. *Training:* All coaches, athletic trainers, and officials, including volunteers shall undergo training

16 in head injury and concussion management at least once each school year by one of the following

17 means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing the

18 MHSA concussion clinic found on the MHSA Sports Medicine page at www.mhsa.org; or by the

19 district inviting the participation of appropriate advocacy groups and appropriate sports

20 governing bodies to facilitate the training requirements.

21 C. *Parent Information Sheet:* On a yearly basis, a concussion and head injury information sheet

22 shall be distributed to the student-athlete and the athlete's parent and/or guardian prior to the

23 student-athlete's initial practice or competition. This information sheet may be incorporated into

24 the parent permission sheet which allows students to participate in extracurricular athletics and

25 should include resources found on the MHSA Sports Medicine page at www.mhsa.org, U.S.

26 DPHHS, and CDCP websites.

27 D. *Responsibility:* An athletic trainer, coach, or official shall immediately remove from play,

28 practice, tryouts, training exercises, preparation for an athletic game, or sport camp a student-

29 athlete who is suspected of sustaining a concussion or head injury or other serious injury.

30 E. *Return to Play After Concussion or Head Injury:* In accordance with MHSA Return to Play

31 Rules and Regulations and The Dylan Steigers Protection of Youth Athletes Act a student athlete

32 who has been removed from play, practice, tryouts, training exercises, preparation for an athletic

33 game, or sport camp may not return until the athlete is cleared by a licensed health care

34 professional (registered, licensed, certified, or otherwise statutorily recognized health care

35 professional). The health care provider may be a volunteer.

36
37 Policy History:

38 Adopted on:

39 Reviewed on:

40 Revised on: 13/2013

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3 **STUDENTS**

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5 Student Fees and Fines

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

9
10 Fees

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

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

21
22 Fines

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

26
27 Withholding and Transferring Records for Unpaid Fines or Fees

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

33
34 In the event a student who owes fines or fees transfers to another school district in the state and the
35 District has decided to withhold the student's grades, diploma, or transcripts from the student and the
36 student's parent or guardian, the District shall:

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

48
49 A student or parent may appeal the imposition of a charge for damages to the Superintendent and to the
50 Board.

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

6 Policy History:
7 Adopted on:
8 Reviewed on:
9 Revised on:

1 _____ School District

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3 **STUDENTS**

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4
5 Student Records

6
7 Notification to Parents and Students of Rights Concerning a Student's School Records

8
9 *This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

10
11 The District will maintain two (2) sets of school records for each student: a permanent record
12 and a cumulative record. The permanent record will include:

- 13
14 Basic identifying information
15 Academic work completed (transcripts)
16 Level of achievement (grades, standardized achievement tests)
17 Immunization records (per § 20-5-506, MCA)
18 Attendance record
19 Statewide student identifier assigned by the Office of Public Instruction
20 Record of any disciplinary action taken against the student, which is educationally related

21
22 The cumulative record may include:

- 23
24 Intelligence and aptitude scores
25 Psychological reports
26 Participation in extracurricular activities
27 Honors and awards
28 Teacher anecdotal records
29 Verified reports or information from non-educational persons
30 Verified information of clear relevance to the student's education
31 Information pertaining to release of this record
32 Disciplinary information

33
34 The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students
35 over eighteen (18) years of age ("eligible students") certain rights with respect to the student's
36 education records. They are:

- 37
38 1. **The right to inspect and copy the student's education records, within a reasonable**
39 **time from the day the District receives a request for access.**

40
41 "Eligible" students, who are eighteen (18) years of age or older, have the right to inspect
42 and copy their permanent record. Parents/guardians or "eligible" students should submit
43 to the school principal (or appropriate school official) a written request identifying the
44 record(s) they wish to inspect. The principal will make, within forty-five (45) days,
45 arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the
46 time and place the records may be inspected. The District charges a nominal fee for

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2
3
4 copying, but no one will be denied their right to copies of their records for inability to pay
5 this cost.

6
7 The rights contained in this section are denied to any person against whom an order of
8 protection has been entered concerning a student.

9
10 **2. The right to request amendment of the student's education records which the**
11 **parent(s)/guardian(s) or eligible student believes are inaccurate, misleading,**
12 **irrelevant, or improper.**

13
14 Parents/guardians or eligible students may ask the District to amend a record they believe
15 is inaccurate, misleading, irrelevant, or improper. They should write the school principal
16 or records custodian, clearly identifying the part of the record they want changed, and
17 specify the reason.

18
19 If the District decides not to amend the record as requested by the parent(s)/guardian(s) or
20 eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the
21 decision and advise him or her of their right to a hearing regarding the request for
22 amendment. Additional information regarding the hearing procedures will be provided to
23 the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

24
25 **3. The right to permit disclosure of personally identifiable information contained in**
26 **the student's education records, except to the extent that FERPA or state law**
27 **authorizes disclosure without consent.**

28
29 Disclosure is permitted without consent to school officials with legitimate educational or
30 administrative interests. A school official is a person employed by the District as an
31 administrator, supervisor, instructor, or support staff member (including health or
32 medical staff and law enforcement unit personnel); a person serving on the Board; a
33 person or company with whom the District has contracted to perform a special task (such
34 as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside
35 parties to whom an educational agency or institution has outsourced institutional services
36 or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s)
37 or student serving on an official committee, such as a disciplinary or grievance
38 committee, or assisting another school official in performing his or her tasks.

39
40 A school official has a legitimate educational interest, if the official needs to review an
41 education record in order to fulfill his or her professional responsibility.

42
43 Upon request, the District discloses education records, without consent, to officials of
44 another school district in which a student has enrolled or intends to enroll, as well as to
45 any person as specifically required by state or federal law. Before information is
46 released to individuals described in this paragraph, the parent(s)/guardian(s) will receive

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4 written notice of the nature and substance of the information and an opportunity to
5 inspect, copy, and challenge such records. The right to challenge school student records
6 does not apply to: (1) academic grades of their child, and (2) references to expulsions or
7 out-of-school suspensions, if the challenge is made at the time the student's school
8 student records are forwarded to another school to which the student is transferring.
9

10 Disclosure is also permitted without consent to: any person for research, statistical
11 reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified;
12 any person named in a court order; and appropriate persons if the knowledge of such
13 information is necessary to protect the health or safety of the student or other persons.
14

- 15 4. **The right to a copy of any school student record proposed to be destroyed or**
16 **deleted.**
17
18 5. **The right to prohibit the release of directory information concerning the parent's/**
19 **guardian's child.**
20

21 Throughout the school year, the District may release directory information regarding
22 students, limited to:

23
24 Student's name
25 Address
26 Telephone listing
27 Electronic mail address
28 Photograph (including electronic version)
29 Date and place of birth
30 Major field of study
31 Dates of attendance
32 Grade level
33 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
34 Participation in officially recognized activities and sports
35 Weight and height of members of athletic teams
36 Degrees
37 Honors and awards received
38 Most recent educational agency or institution attended
39

40 *Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above*
41 *information by delivering written objection to the building principal within ten (10) days*
42 *of the date of this notice. No directory information will be released within this time*
43 *period, unless the parent(s)/guardian(s) or eligible student are specifically informed*
44 *otherwise. When a student transfers, leaves the District, or graduates, the school must*
45 *continue to honor a decision to opt-out, unless the parent or student rescinds the*
46 *decision.*

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4 A parent or student 18 years of age or an emancipated student, may not opt out of
5 directory information to prevent the district from disclosing or requiring a student to
6 disclose their name [identifier, institutional email address in a class in which the student
7 is enrolled] or from requiring a student to disclose a student ID card or badge that
8 exhibits information that has been properly designated directory information by the
9 district in this policy.

10
11 **6. The right to request that information not be released to military recruiters and/or**
12 **institutions of higher education.**

13
14 Pursuant to federal law, the District is required to release the names, addresses, and
15 telephone numbers of all high school students to military recruiters and institutions of
16 higher education upon request.

17
18 Parent(s)/guardian(s) or eligible students may request that the District not release this
19 information, and the District will comply with the request.

20
21 **7. The right to file a complaint with the U.S. Department of Education, concerning**
22 **alleged failures by the District to comply with the requirements of FERPA.**

23
24 The name and address of the office that administers FERPA is:

25
26 Family Policy Compliance Office
27 U.S. Department of Education
28 400 Maryland Avenue, SW
29 Washington, DC 20202-4605

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3 **STUDENTS**

4
5 Transfer of Student Records

6
7 The District will forward by mail or by electronic means a certified copy of a permanent or
8 cumulative file of any student and a file of special education records of any student to a local
9 educational agency or accredited school in which a student seeks to or intends to enroll within
10 five (5) working days after receipt of a written or electronic request. The files to be forwarded
11 must include education records in a permanent file – that is, name and address of a student, name
12 of parent or legal guardian, date of birth, academic work completed, level of achievement
13 (grades, standardized tests), immunization records, special education records, and any
14 disciplinary actions taken against a student that are educationally related.

15
16 When the District cannot transfer records within five (5) days, the District will notify a requestor,
17 in writing or electronically, and will provide reasons why the District is unable to comply with a
18 five-(5)-day time period. The District also will include in that notice the date by which requested
19 records will be transferred. The District will not refuse to transfer records because a student owes
20 fines or fees.

21
22
23
24 Cross Reference: 3413 Student Immunization
25 3600 - 3600P Student Records
26 3606F Records Certification

27
28 Legal Reference: § 20-1-213, MCA Transfer of school records

29
30 Policy History:

31 Adopted on:
32 Reviewed on:
33 Revised on:

4
5 Receipt of Confidential Records

6
7 Pursuant to Montana law, the District may receive case records of the Department of Public
8 Health and Human Services and its local affiliate, the county welfare department, the county
9 attorney, and the court concerning actions taken and all records concerning reports of child abuse
10 and neglect. The District will keep these records confidential as required by law and will not
11 include them in a student’s permanent file.

12
13 The Board authorizes the individuals listed below to receive information with respect to a
14 District student who is a client of the Department of Public Health and Human Services:

- 15
16 •
17 •
18 •

19
20 When the District receives information pursuant to law, the Superintendent will prevent
21 unauthorized dissemination of that information.

22
23
24
25 Cross Reference: 3600 - 3600P Student Records

26
27 Legal Reference: § 41-3-205, MCA Confidentiality – disclosure exceptions

28
29 Policy History:

30 Adopted on:
31 Reviewed on:
32 Revised on:

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3 **STUDENTS**

4
5 District-Provided Access to Electronic Information, Services, and Networks

6
7 The District may provide electronic information services (EIS) to qualified students, teachers,
8 and other personnel who attend or who are employed by the District. Electronic information
9 services include, but are not limited to, network services (Internet), databases, and any computer-
10 accessible source of information, whether from hard drives, tapes, compact discs (CDs), floppy
11 disks, or other electronic sources. The use of the services shall be in support of education,
12 research, and the educational goals of the District. To assure that the EIS is used in an
13 appropriate manner and for the educational purposes intended, the District will require anyone
14 who uses the EIS to follow its guidelines and procedures for appropriate use. Anyone who
15 misuses, abuses, or chooses not to follow the EIS guidelines and procedures will be denied
16 access to the District's EIS and may be subject to disciplinary action, in accordance with
17 governing board policy.

18
19 EIS provided by the District are the property of the district. The District may review files and
20 communications and monitor system utilization at any time without notice or permission
21 including the maintenance of a usage record log. Users should not expect that EIS utilization,
22 communications, or information sent, retrieved, or stored, via EIS, including electronic mails and
23 files stored on District servers, will be private. The District may, in its sole discretion, close
24 accounts and review or delete files at any time.

25
26 The Board expects that District staff, who are responsible for supervising student EIS use, will
27 provide reasonable guidance and instruction to students on such use. In addition, such staff will
28 consult and observe relevant Board policies on curriculum and instructional materials. The
29 District will make a reasonable effort to create filters or "firewalls" to prevent student access to
30 inappropriate information. Ultimately, individual EIS users are responsible for their
31 communications and use of EIS. Each user will be required to sign an EIS user's agreement that
32 will be kept on file at each access site. Supervisors of each EIS access site will maintain the
33 user's agreement file, establish access site procedures, and determine a fixed period of limited
34 time for individual user access. The Superintendent or his designee will ensure that EIS access
35 site supervisors receive appropriate training, provide EIS usage information to parents, maintain
36 an access site record, and ensure that EIS access site supervisors and users adhere to the
37 directives of this policy and accompanying regulations.

38
39 The District does not assume liability for an EIS user's inappropriate use of EIS, nor for
40 information retrieved via EIS. The District is not responsible for any service interruptions or
41 changes, or any consequences of service interruptions or changes.

42
43 The District does not assume liability for any information that is lost, damaged or unavailable.
44

1 The District reserves the right to establish rules and regulations as necessary for the efficient
2 operation of the electronic information services. The Superintendent will be responsible for
3 establishing and enforcing the District's electronic information services guidelines and
4 procedures for appropriate use.

5
6 3612
7 Page 2 of 3
8

9 Acceptable use of Electronic Information Services (EIS) requires that the use of EIS resources
10 be in support of education, educational research, and the educational goals of the District.
11 Individual EIS users are responsible for their EIS behavior and communications, including their
12 access to EIS.

13
14 All EIS users shall strictly adhere to the following requirements:

- 15 § User shall use EIS for educational purposes only, and shall not access any
16 materials that are inappropriate to the educational environment.
- 17 § User shall not use EIS to submit, publish, display, retrieve or transmit any
18 defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening,
19 disruptive, discriminatory, or illegal material.
- 20 § User shall not use EIS to harass, insult or attack others.
- 21 § User shall follow the District's code of conduct while using EIS.
- 22 § User shall use appropriate language while using EIS. Vulgarities are not
23 permitted.
- 24 § User shall use only EIS account and password assigned to user. User shall use
25 EIS only for purposes authorized for user's account. User shall not attempt to
26 access information that is not authorized for user's access or account.
- 27 § User shall not use EIS to invade the privacy of others, and shall not trespass into
28 another user's folders, work or files without proper authorization.
- 29 § User shall not reveal any home addresses or personal telephone numbers.
- 30 § User shall abide by all copyright laws and regulations.
- 31 § User shall not use EIS for commercial purposes, product advertising or political
32 lobbying.
- 33 § User shall not attempt to harm, modify or destroy software or interfere with
34 system security.
- 35 § User shall not introduce unauthorized software into the system.
- 36 § User shall not use EIS in any way that would disrupt the use of EIS by others.
37 User shall not allow anyone else to access the system using user's account or
38 password, unless user has authorization to allow such use by others. Users are
39 ultimately responsible for all activity under their accounts.
- 40 § User understands that many services and products are available for a fee
41 and acknowledges the responsibility for any expense incurred.

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3
4 In addition to the above requirements, acceptable use for District employees is extended to
5 include requirements to:

6 § Take reasonable precautions, including password maintenance and file and
7 directory protection measures, to prevent the use of personal accounts by
8 unauthorized persons.

9 § Consult board policies on curriculum and instructional materials and promote and
10 honor District goals contained in such policies.

11
12 District employees who allow students to use EIS in a classroom or school setting shall:

13 § Maintain adequate supervision of such students using EIS in a classroom or
14 school setting.

15 § Ensure that all students allowed to use EIS have an authorized users agreement on
16 file.

17 § Maintain a users agreement file at each access site.
18

19 Each student EIS user shall be required to sign an EIS Student User Agreement. A signature is
20 required on the EIS Student User Agreement before a user account will be issued. Details of the
21 EIS Student User Agreement and user requirements shall be discussed with each potential
22 student user of EIS.
23

24 A user who violates the provisions of the EIS Student User Agreement, the EIS policy, or this
25 regulation may be subject to disciplinary action. Denial of access may result in removal of a
26 student from a class where use of EIS is necessary. When applicable, law enforcement
27 authorities may be notified.
28

29 The District reserves the right to establish additional rules and regulations as necessary for the
30 efficient operation of EIS.
31

32
33 Policy History:

34 Adopted on: 04/05/2001

35 Reviewed on:

36 Revised on:

