

2
3 **STUDENTS**

4
5 Compulsory Attendance

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7 Parents or legal guardians or legal custodians are responsible for seeing that their children who are age
8 seven (7) or older before the first (1st) day of school attend school until the later of the following dates:
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- 10 1. Child’s sixteenth (16th) birthday; or
- 11 2. Completion date of the work of eighth (8th) grade.

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

- 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.

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

- 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
- 24 best 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
- 28 not in the best interests of the child and the school.

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

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42 Policy History:

43 Adopted on: 11/03/1994

44 Reviewed on: 11/10/2004

45 **First reading on: 11/10/21**

46 **Second reading/Adopted on:**

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3 **STUDENTS**

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5 Attendance Policy - Truancy

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

11
12 For the purpose of this policy “truant” or “truancy” means the persistent non-attendance without excuse,
13 as defined by this policy, for all or any part of a school day equivalent to the length of one class period of
14 a child required to attend a school under 20-5-103. “Habitual truancy” means recorded unexcused
15 absences of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.

16
17 The Bigfork School District’s definition of non-attendance without excuse is stated in Board Policy3122
18 and in the student handbook.

19
20 The Bigfork School District has appointed the **Superintendent Administration** as the Attendance
21 Officer(s) of the district.

22
23 The Attendance Officer shall have the powers and duties as stated in 20-5-105(1) (Section 2), MCA.

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25		
26	Legal Reference:	§ 20-5-103, MCA Compulsory attendance and excuses
27		§ 20-5-104, MCA Attendance officer
28		§ 20-5-105, MCA Attendance officer – powers and duties
29		§ 20-5-106, MCA Truancy
30		§ 20-5-107, MCA Incapacitated and indigent child attendance
31		§ 41-5-103(22), MCA Definitions
32		
33		

34 Procedure History:

35 Reviewed on: 08/13/2013

36 **First reading on: 11/10/21**

37 **Second reading/Adopted on:**

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3 STUDENTS

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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 1 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
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48 Policy History:

49 **First reading on: 11/10/21**

50 **Second reading/Adopted on:**

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5
6 Equal Educational Opportunity, Nondiscrimination, and Sex Equity

7
8 The District will make equal educational opportunities available for all students without regard to race,
9 color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental
10 handicap or disability, economic or social condition, actual or potential marital or parental status. No
11 student will be denied equal access to programs, activities, services, or benefits or be limited in the
12 exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular
13 programs and activities.

14
15 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be directed to the
16 District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education,
17 or both. The Board designates the following individual to serve as the 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 should be
25 directed to the District Section 504 Coordinator. The Board designates the following individual to serve
26 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 and
34 Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226
35 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint
36 Procedure.

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

41
42 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against
43 students, staff, or volunteers with disabilities. The District will consider such behavior as constituting
44 discrimination on the basis of disability, in violation of state and federal law.

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46 Cross Reference: 1700 Uniform Complaint Procedure
47 3200 Student Rights and Responsibilities
48 3225 Sexual Harassment/Intimidation of Students
49 3226 Bullying/Harassment/Intimidation/Hazing
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3 **STUDENTS**

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5 Sexual Harassment of Students

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

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

14
15 ~~Title: _____~~
16 ~~Office address: _____~~
17 ~~Email: _____~~
18 ~~Phone number: _____~~
19

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

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

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

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

43 An individual is not required to submit a report of sexual harassment involving the Title IX coordinator.
44 In the event the Title IX Coordinator is responsible for or a witness to the alleged
45 harassment, the individual may report the allegations to the building principal or superintendent or other
46 unbiased school official.
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Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

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Conflict of Interest and Bias

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

Determination of Responsibility

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

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

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

Policy History:

First reading on: 11/10/21

Second reading/Adopted on:

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3 **STUDENTS**

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6 Sexual Harassment Grievance Procedure - Students

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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 harassment by
10 Title IX. The Board directs the process to be published in accordance with all statutory and regulatory
11 requirements.

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13 Definitions

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

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

20
21 “Education program or activity:” includes locations, events or circumstances over which the District
22 exercised substantial control over both the individual who has been reported to be the perpetrator of
23 conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

24
25 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute sexual
26 harassment.

27
28 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute
29 sexual harassment.

30
31 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator alleging
32 sexual harassment against a Respondent and requesting that the District investigate the allegation of
33 sexual harassment.

34
35 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as appropriate, as
36 reasonably available and without fee or charge to the Complainant or Respondent before or after the filing
37 of a formal complaint or where no formal complaint has been filed.

38
39 District Requirements

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

46
47 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator
48 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive
49 measures. Supportive measures are designed to restore or preserve equal access to the District’s
50 education program or activity without unreasonably burdening the other party, including measures
51 designed to protect the safety of all parties or the District’s educational environment, or deter sexual

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4 harassment. Supportive measures may include counseling, extensions of deadlines or other course-related
5 adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties,
6 leaves of absence, increased security and monitoring of certain areas of the District's property, campus
7 escort services, changes in work locations and other similar measures.

8
9 The Title IX Coordinator is responsible for coordinating the effective implementation of supportive
10 measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the
11 Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with
12 respect to supportive measures, inform the Complainant of the availability of supportive measures with or
13 without the filing of a formal complaint, and explain to the Complainant the process for filing a formal
14 complaint. If the District does not provide the Complainant with supportive measures, then the District
15 must document the reasons why such a response was not clearly unreasonable in light of the known
16 circumstances.

17 18 Timelines

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

27 28 Response to a Formal Complaint

29
30 At the time of filing a formal complaint, a Complainant must be participating in or attempting to
31 participate in the education program or activity of the District with which the formal complaint is filed. A
32 formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or
33 other means designated by the District.

34
35 The District must follow the formal complaint process before the imposition of any disciplinary sanctions
36 or other actions that are not supportive measures. However, nothing in this policy precludes the District
37 from removing a Respondent from the District's education program or activity on an emergency basis,
38 provided that the District undertakes an individualized safety and risk analysis, determines that an
39 immediate threat to the physical health or safety of any student or other individual arising from the
40 allegations of sexual harassment justifies removal, and provides the Respondent with notice and an
41 opportunity to challenge the decision immediately following the removal. A period of removal may
42 include the opportunity for the student to continue instruction in an offsite capacity. The District may also
43 place a non-student employee Respondent on administrative leave during the pendency of the grievance
44 process. This provision may not be construed to modify any rights under the Individuals with
45 Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with
46 Disabilities Act.

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4 Upon receipt of a formal complaint, the District must provide written notice to the known parties
5 including:

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7 1. Notice of the allegations of sexual harassment, including information about the identities of
8 the parties involved in the incident, the conduct allegedly constituting sexual harassment,
9 the date and location of the alleged incident, and any sufficient details known at the time.
10 Such notice must be provided with sufficient time to prepare a response before any initial
11 interview;
- 12
13 2. An explanation of the District's investigation procedures, including any informal resolution
14 process;
- 15
16 3. A statement that the Respondent is presumed not responsible for the alleged conduct and
17 that a determination regarding responsibility will be made by the decision-maker at the
18 conclusion of the investigation;
- 19
20 4. Notice to the parties that they may have an advisor of their choice who may be, but is not
21 required to be, an attorney, and may inspect and review any evidence; and
- 22
23 5. Notice to the parties of any provision in the District's code of conduct or policy that
24 prohibits knowingly making false statements or knowingly submitting false information.
25

26 If, in the course of an investigation, the District decides to investigate allegations about the Complainant
27 or Respondent that are not included in the notice initially provided, notice of the additional allegations
28 must be provided to known parties.
29

30 The District may consolidate formal complaints as to allegations of sexual harassment against more than
31 one Respondent, or by more than one Complainant against one or more Respondents, or by one party
32 against the other party, where the allegations of sexual harassment arise out of the same facts or
33 circumstances.
34

35 Investigation of a Formal Complaint

36
37 When investigating a formal complaint and throughout the grievance process, the District must:

- 38
39 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a
40 determination regarding responsibility rests on the District and not the parties';
- 41
42 2. Provide an equal opportunity for the parties to present witnesses and evidence;
- 43
44 3. Not restrict either party's ability to discuss the allegations under investigation or to gather and
45 present relevant evidence;
- 46
47 4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is
48 not required to be, an attorney. The District may establish restrictions regarding the extent to
49 which the advisor may participate in the proceedings, as long as the restrictions apply equally to
50 both parties;
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5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

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

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

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

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

Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not

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4 intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory
5 evidence whether obtained from a party or other source. Prior to completion of the investigative the Title
6 IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection
7 and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written
8 response to the Title IX Coordinator, which the investigator will consider prior to completion of the
9 investigative report.

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11 Investigative Report

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

18
19 Decision-Maker's Determination

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

25
26 Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the
27 opportunity to submit written, relevant questions that a party wants asked of any party
28 or witness, provide each party with the answers, and allow for additional, limited follow-up questions
29 from each party. Questions and evidence about the Complainant's sexual
30 predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the
31 Complainant's prior sexual behavior are offered to prove that someone other than the Respondent
32 committed the conduct alleged by the Complainant, or if the questions and evidence concern specific
33 incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to
34 prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from
35 the date the Complainant and Respondent receive the investigator's report.

36
37 The decision-maker must issue a written determination regarding responsibility based on a preponderance
38 of the evidence standard. The decision-maker's written determination must:

- 39
40 1. Identify the allegations potentially constituting sexual harassment;
- 41
42 2. Describe the procedural steps taken, including any notifications to the parties, interviews with
43 parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- 44
45 3. Include the findings of fact supporting the determination;
- 46
47 4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to
48 the facts;
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50 5. Address each allegation and a resolution of the complaint including a determination regarding
51 responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the

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- 6. Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant and;
- 7. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

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

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

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

Appeals

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

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

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

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

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

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4 parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is
5 filed.

6
7 Informal Resolution Process

8
9 Except when concerning allegations that an employee sexually harassed a student, at any time during the
10 formal complaint process and prior to reaching a determination regarding responsibility, the District may
11 facilitate an informal resolution process, such as mediation, that
12 does not involve a full investigation and determination of responsibility, provided that the District:

- 13
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 under
17 which it precludes the parties from resuming a formal complaint arising from the same
18 allegations, provided, however, that at any time prior to agreeing to a resolution, any
19 party has the right to withdraw from the informal resolution process and resume the Title
20 IX formal complaint process with respect to the formal complaint; and
 - 21 C. Any consequences resulting from participating in the informal resolution process,
22 including the records that will be maintained or could be shared.
- 23
24
25
26
27 2. Obtains the parties' voluntary, written consent to the informal resolution process.

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

34
35 Recordkeeping

36
37 The District must maintain for a period of seven years records of:

- 38
39 1. Each sexual harassment investigation, including any determination regarding responsibility,
40 any disciplinary sanctions imposed on the Respondent, and any remedies provided to the
41 Complainant designed to restore or preserve equal access to the District's education program or
42 activity;
- 43
44 2. Any appeal and the result therefrom;
- 45
46 3. Any informal resolution and the result therefrom; and
- 47
48 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any
49 person who facilitates an informal resolution process. The District must make these training
50 materials publicly available on its website.
- 51

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

Mark Hansen	High School Principal - Title IX Coordinator
Solveig Munson	High School Counselor - Title IX Investigations
Charlie Appleby	Middle School Principal - Title IX Coordinator
Jennifer Wood	Middle School Counselor - Title IX Investigations
Brenda Clarke	Elementary School Counselor – Title IX Investigations
Andrea Rossman	Elementary School Counselor – Title IX Investigations
Matt Porrovecchio	Special Education Director
Tom Stack	District Superintendent

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

5 This form is not required. Complaints may be submitted in any manner noted in Policy 3225. The form
6 may be used by the
7 Title IX Coordinator to document allegations.
8

9 School _____ Date _____

10
11 Student's name _____

12
13 • Who was responsible for the harassment or incident(s)? _____
14 _____

15
16 • Describe the incident(s). _____
17 _____
18 _____

19
20 • Date(s), time(s), and place(s) the incident(s) occurred. _____
21 _____
22 _____

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

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

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

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

45
46 Signature of complainant _____

47
48 Signatures of parents/legal guardians _____
49

50 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form*
51 *will remain confidential in accordance with law and policy.*
52

2
3 **STUDENTS**

4
5 Bullying/Harassment/Intimidation/Hazing

6
7 The Board will strive to provide a positive and productive learning and working environment. Bullying,
8 harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not
9 be tolerated.

10
11 Definitions

- 12
- 13 1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors,
- 14 service contractors or others engaged in District business, such as employees of businesses or
- 15 organizations participating in cooperative work programs with the District, and others not directly
- 16 subject to District control at inter-district and intra-District athletic competitions or other school
- 17 events.
- 18 2. "District" includes District facilities, District premises, and non-District property if the student or
- 19 employee is at any District-sponsored, District-approved, or District-related activity or function,
- 20 such as field trips or athletic events, where students are under the control of the District or where
- 21 the employee is engaged in District business.
- 22 3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the
- 23 mental or physical health or safety of a student for the purpose of initiation or as a condition or
- 24 precondition of attaining membership in or affiliation with any District-sponsored activity or
- 25 grade-level attainment, including but not limited to forced consumption of any drink, alcoholic
- 26 beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged
- 27 exclusion from social contact, sleep deprivation, or any other forced activity that could adversely
- 28 affect the mental or physical health or safety of a student; requires, encourages, authorizes, or
- 29 permits another to be subject to wearing or carrying any obscene or physically burdensome
- 30 article, assignment of pranks to be performed, or other such activities intended to degrade or
- 31 humiliate.
- 32 4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning
- 33 gesture or physical contact, including any intentional written, verbal, or electronic communication
- 34 ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and
- 35 that substantially interferes with a student's educational benefits, opportunities, or performance,
- 36 that takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
- 37 on school-provided transportation, at any official school bus stop, or anywhere conduct may
- 38 reasonably be considered to be a threat or an attempted intimidation of a student or staff member
- 39 or an interference with school purposes or an educational function, and that has the effect of:
- 40 a. Physically harming a student or damaging a student's property;
- 41 b. Knowingly placing a student in reasonable fear of physical harm to the student or
- 42 damage to the student's property;
- 43 c. Creating a hostile educational environment, or;
- 44 d. Substantially and materially disrupts the orderly operation of a school.
- 45 5. "Electronic communication device" means any mode of electronic communication,
- 46 including but not limited to computers, cell phones, PDAs, or the internet.

1
2
3 Reporting

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

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

15
16 Exhaustion of administrative remedies

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

21
22 Responsibilities

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

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

31
32 Consequences

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

38
39 Retaliation and Reprisal

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

44
45 Cross Reference: 3225 Sexual Harassment
46 3225 Sexual Harassment Grievance Procedure
47 3225F Harassment Reporting/Intake Form for Students

48
49 Legal Reference: § 20-5-207, MCA “Bully-Free Montana Act”
50 § 20-5-208, MCA Definition
51 § 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:

First reading on: 11/10/21

Second reading/Adopted 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**

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

➤ **Second Offense:**

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

The Board is under no obligation to accept a petition for readmission or meet with the parties involved.

Criminal Distribution of Drugs

➤ **First Offense:**

- Permanent expulsion

Procedures for Suspension and Expulsion of Students With Disabilities

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

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

removal the public agency must provide services to the extent required under 34 CFR 300.121(d).

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

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	34 CFR 300.519-521	Procedural Safeguards
	§ 20-1-213, 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

Revised on: 01/07/2002, 07/10/2003, 07/14/2009, 06/11/2014

First reading on: 11/10/21

Second reading/Adopted on:

2
3 **STUDENTS**

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-

2
3 **STUDENTS**

4
5 Management of Sports Related Concussions

6
7 The Bigfork School District #38 recognizes that concussions and head injuries are commonly reported
8 injuries in children and adolescents who participate in sports and other recreational activities. The Board
9 acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is
10 not properly evaluated and managed. Therefore, all K-12 competitive sport athletic activities in the
11 District will be identified by the administration.

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

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

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

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

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

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

42
43 Policy History:

44 Revised on: 08/13/2013

45 **First reading on: 11/10/21**

46 **Second reading/Adopted on:**

2
3 **STUDENTS**

4
5 Management of Sports Related Concussions

6
7 A. Athletic Director or Administrator in Charge of Athletic Duties:

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

15 B. *Training:* All coaches, athletic trainers, and officials, including volunteers shall undergo training in
16 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 MHSA
18 concussion clinic found on the MHSA Sports Medicine page at www.mhsa.org; or by the district
19 inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to
20 facilitate the training requirements.

21 C. *Parent Information Sheet:* On a yearly basis, a concussion and head injury information sheet shall be
22 distributed to the student-athlete and the athlete's parent and/or guardian prior to the student-athlete's
23 initial practice or competition. This information sheet may be incorporated into the parent permission
24 sheet which allows students to participate in extracurricular athletics and should include resources
25 found on the MHSA Sports Medicine page at www.mhsa.org, U.S. DPHHS, and CDCP websites.

26 D. *Responsibility:* An athletic trainer, coach, or official shall immediately remove from play, practice,
27 tryouts, training exercises, preparation for an athletic game, or sport camp a student-athlete who is
28 suspected of sustaining a concussion or head injury or other serious injury.

29 E. *Return to Play After Concussion or Head Injury:* In accordance with MHSA Return to Play Rules and
30 Regulations and The Dylan Steigers Protection of Youth Athletes Act a student athlete who has been
31 removed from play, practice, tryouts, training exercises, preparation for an athletic game, or sport
32 camp may not return until the athlete is cleared by a licensed health care professional (registered,
33 licensed, certified, or otherwise statutorily recognized health care professional). The health care
34 provider may be a volunteer.

35
36 Policy History:

37 Revised on: 1/3/2013

38 First reading on: 11/10/21

39 Second reading/Adopted on:

Student-Athlete & Parent/Legal Guardian Concussion Statement

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>

2
3 **STUDENTS**

5
6 Student Fees and Fines

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

10
11 Fees

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

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

22
23 Fines

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

27
28 Withholding and Transferring Records for Unpaid Fines or Fees

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

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

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

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

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

Policy History:

First reading on: 11/10/21

Second reading/Adopted on:

1 **Bigfork School District #38**

2
3 **STUDENTS**

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page 1 of 4

4
5 Student Records

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

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

10
11 The District will maintain two (2) sets of school records for each student: a permanent record and a
12 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 over
35 eighteen (18) years of age ("eligible students") certain rights with respect to the student's education
36 records. They are:

- 37
38 1. **The right to inspect and copy the student's education records, within a reasonable time**
39 **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 and
42 copy their permanent record. Parents/guardians or "eligible" students should submit to the school
43 principal (or appropriate school official) a written request identifying the record(s) they wish to
44 inspect. The principal will make, within forty-five (45) days, arrangements for access and notify
45 the parent(s)/ guardian(s) or eligible student of the time and place the records may be inspected.
46 The District charges a nominal fee for copying, but no one will be denied their right to copies of
47 their records for inability to pay this cost.

48
49 The rights contained in this section are denied to any person against whom an order of protection
50 has been entered concerning a student.
51

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

7
8 Parents/guardians or eligible students may ask the District to amend a record they believe is
9 inaccurate, misleading, irrelevant, or improper. They should write the school principal or records
10 custodian, clearly identifying the part of the record they want changed, and specify the reason.
11

12 If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible
13 student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and
14 advise him or her of their right to a hearing regarding the request for amendment. Additional
15 information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or
16 eligible student when notified of the right to a hearing.
17

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

21
22 Disclosure is permitted without consent to school officials with legitimate educational or
23 administrative interests. A school official is a person employed by the District as an
24 administrator, supervisor, instructor, or support staff member (including health or medical staff
25 and law enforcement unit personnel); a person serving on the Board; a person or company with
26 whom the District has contracted to perform a special task (such as contractors, attorneys,
27 auditors, consultants, or therapists); volunteers; other outside parties to whom an educational
28 agency or institution has outsourced institutional services or functions that it would otherwise use
29 employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such
30 as a disciplinary or grievance committee, or assisting another school official in performing his or
31 her tasks.
32

33 A school official has a legitimate educational interest, if the official needs to review an education
34 record in order to fulfill his or her professional responsibility.
35

36 Upon request, the District discloses education records, without consent, to officials of another
37 school district in which a student has enrolled or intends to enroll, as well as to any person as
38 specifically required by state or federal law. Before information is
39 released to individuals described in this paragraph, the parent(s)/guardian(s) will receive
40 written notice of the nature and substance of the information and an opportunity to inspect, copy,
41 and challenge such records. The right to challenge school student records
42 does not apply to: (1) academic grades of their child, and (2) references to expulsions or
43 out-of-school suspensions, if the challenge is made at the time the student's school student
44 records are forwarded to another school to which the student is transferring.
45

46 Disclosure is also permitted without consent to: any person for research, statistical reporting, or
47 planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in
48 a court order; and appropriate persons if the knowledge of such information is necessary to
49 protect the health or safety of the student or other persons.
50
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4 **4. The right to a copy of any school student record proposed to be destroyed or deleted.**

5
6 **5. The right to prohibit the release of directory information concerning the parent's/
7 guardian's child.**

8
9 Throughout the school year, the District may release directory information regarding students,
10 limited to:

11
12 Student's name

13 Address

14 Telephone listing

15 Electronic mail address

16 Photograph (including electronic version)

17 Date and place of birth

18 Major field of study

19 Dates of attendance

20 Grade level

21 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)

22 Participation in officially recognized activities and sports

23 Weight and height of members of athletic teams

24 Degrees

25 Honors and awards received

26 Most recent educational agency or institution attended

27
28 *Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above*
29 *information by delivering written objection to the building principal within ten (10) days of the*
30 *date of this notice. No directory information will be released within this time period, unless the*
31 *parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student*
32 *transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-*
33 *out, unless the parent or student rescinds the decision.*

34
35 A parent or student 18 years of age or an emancipated student, may not opt out of directory
36 information to prevent the district from disclosing or requiring a student to disclose their name
37 [identifier, institutional email address in a class in which the student is enrolled] or from requiring
38 a student to disclose a student ID card or badge that exhibits information that has been properly
39 designated directory information by the district in this policy.

40
41 **6. The right to request that information not be released to military recruiters and/or
42 institutions of higher education.**

43
44 Pursuant to federal law, the District is required to release the names, addresses, and telephone
45 numbers of all high school students to military recruiters and institutions of higher education
46 upon request.

47
48 Parent(s)/guardian(s) or eligible students may request that the District not release this
49 information, and the District will comply with the request.

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

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

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

2
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 cumulative
8 file of any student and a file of special education records of any student to a local educational agency or
9 accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt
10 of a written or electronic request. The files to be forwarded must include education records in a
11 permanent file – that is, name and address of a student, name of parent or legal guardian, date of birth,
12 academic work completed, level of achievement (grades, standardized tests), immunization records,
13 special education records, and any disciplinary actions taken against a student that are educationally
14 related.

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

20
21
22
23 Cross Reference: 3413 Student Immunization
24 3600 - 3600P Student Records
25 3606F Records Certification

26
27 Legal Reference: § 20-1-213, MCA Transfer of school records

28
29 Policy History:

30 **First reading on: 11/10/21**

31 **Second reading/Adopted on:**

1 **Bigfork School District #38**

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3 **STUDENTS**

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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~~ **Administration team** to receive information
14 with respect to a District student who is a client of the Department of Public Health and Human
15 Services.

16
17 When the District receives information pursuant to law, the Superintendent will prevent
18 unauthorized dissemination of that information.

19
20
21
22 Cross Reference: 3600 - 3600P Student Records

23
24 Legal Reference: § 41-3-205, MCA Confidentiality – disclosure exceptions

25
26 Policy History:

27 **First reading on: 11/10/21**

28 **Second reading/Adopted on:**

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

7
8 The District may provide electronic information services (EIS) to qualified students, teachers, and other
9 personnel who attend or who are employed by the District. Electronic information services include, but
10 are not limited to, network services (Internet), databases, and any computer-accessible source of
11 information, whether from hard drives, tapes, compact discs (CDs), floppy disks, or other electronic
12 sources. The use of the services shall be in support of education, research, and the educational goals of
13 the District. To assure that the EIS is used in an appropriate manner and for the educational purposes
14 intended, the District will require anyone who uses the EIS to follow its guidelines and procedures for
15 appropriate use. Anyone who misuses, abuses, or chooses not to follow the EIS guidelines and
16 procedures will be denied access to the District's EIS and may be subject to disciplinary action, in
17 accordance with 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 including the
21 maintenance of a usage record log. Users should not expect that EIS utilization, communications, or
22 information sent, retrieved, or stored, via EIS, including electronic mails and files stored on District
23 servers, will be private. The District may, in its sole discretion, close accounts and review or delete files
24 at any time.

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

37
38 The District does not assume liability for an EIS user's inappropriate use of EIS, nor for information
39 retrieved via EIS. The District is not responsible for any service interruptions or changes, or any
40 consequences of service interruptions or changes.

41
42 The District does not assume liability for any information that is lost, damaged or unavailable. The
43 District reserves the right to establish rules and regulations as necessary for the efficient operation of the
44 electronic information services. The Superintendent will be responsible for establishing and enforcing the
45 District's electronic information services guidelines and procedures for appropriate use. Acceptable use of
46 Electronic Information Services (EIS) requires that the use of EIS resources be in support of education,
47 educational research, and the educational goals of the District. Individual EIS users are responsible for
48 their EIS behavior and communications, including their access to EIS.

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4 All EIS users shall strictly adhere to the following requirements:

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

30
31 In addition to the above requirements, acceptable use for District employees is extended to include
32 requirements to:

- 33 \$ Take reasonable precautions, including password maintenance and file and directory
34 protection measures, to prevent the use of personal accounts by unauthorized persons.
35 \$ Consult board policies on curriculum and instructional materials and promote and honor
36 District goals contained in such policies.

37
38 District employees who allow students to use EIS in a classroom or school setting shall:

- 39 \$ Maintain adequate supervision of such students using EIS in a classroom or school
40 setting.
41 \$ Ensure that all students allowed to use EIS have an authorized users agreement on file.
42 \$ Maintain a users agreement file at each access site.

43
44 Each student EIS user shall be required to sign an EIS Student User Agreement. A signature is required
45 on the EIS Student User Agreement before a user account will be issued. Details of the EIS Student User
46 Agreement and user requirements shall be discussed with each potential student user of EIS.
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A user who violates the provisions of the EIS Student User Agreement, the EIS policy, or this regulation may be subject to disciplinary action. Denial of access may result in removal of a student from a class where use of EIS is necessary. When applicable, law enforcement authorities may be notified.

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

Policy History:

Adopted on: 04/05/2001

First reading on: 11/10/21

Second reading/Adopted on: