Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1000**

Legal Status, Operation and Organization

The legal name of this District is Bigfork School District #38, Flathead County, State of Montana. The District is classified as a class two (II) district and is operated according to the laws and administrative rules pertaining to a class two (II) district.

The Board of Trustees of Bigfork School District #38 is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District's operations.

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

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

The Bigfork School District #38 maintains the Bigfork Elementary and Bigfork High Schools. Policy overrides handbooks if conflicts arise.

The District(s) constitute the taxable basis for purposes of construction, operation, and maintenance of the Bigfork Elementary and Bigfork High School.

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

Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-6-101, MCA	Definition of elementary and high school districts
	§ 20-6-201, MCA	Elementary district classification
	§ 20-6-301, MCA	High school district classification
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review
	Article X, Section 8,	MT Constitution

Policy History:
Adopted on: 7/21/1994
Revised on: 11/20/2003
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38

TRUSTEES 1100

THE BOARD OF TRUSTEES

Organization

The legal name of this School District is Bigfork School District No. 38, Flathead County, State of Montana. The District is classified as a Class II District and is operated according to the laws and regulations pertaining to elementary and high school districts.

In order to achieve its primary goal of providing each child with the necessary skills and attitudes, commensurate with his/her ability, to become effective citizens, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from the Montana Constitution and state statutes and regulations. Sources such as the school laws of Montana, regulations of the Board of Public Education and the Office of Superintendent of Public Instruction, delineate the legal powers, duties and responsibilities of the Board.

The Bigfork School District #38 maintains the Bigfork Elementary and Bigfork High School(s).

The District(s) constitute the taxable basis for purposes of construction, operation, and maintenance of the Bigfork Elementary and Bigfork High School.

Legal References:	20-6-101, MCA	Definitions of elementary and high school districts
	20-6-201, MCA	Elementary district classification
	20-6-301, MCA	High school district classification
	20-3-324, MCA	Powers and duties

Adoption Date: July 21, 1994
Revision Date: November 20, 2003

Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1105**

Membership and Terms of Office

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

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

The five trustees of Elementary District #38, a duly elected trustee from Swan Lake-Salmon Elementary District #73, and a duly elected trustee from Swan River Elementary District #4 shall comprise the Board of Trustees of Bigfork High School District #38. All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District.

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

Policy History:
Adopted on: 12/04/2003
First reading on: 9/8/21
Second reading: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38

TRUSTEES 1110

THE BOARD OF TRUSTEES

Taking Office

A newly-elected trustee shall take office as soon as the election results have been certified and the newly-elected trustee has taken and subscribed to an oath that he/she will faithfully and impartially discharge the duties of the office to the best of his/her ability. Such oath shall be filed with the county superintendent within fifteen (15) days after the receipt of the certificate of election.

Adoption Date: July 21, 1994
Revision Date: November 20, 2003

Election

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

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee.

A declaration of intent to be a candidate must be submitted to the District Clerk no sooner than 145 days and no later than 85 days before the regular school election day. If different terms are to be filled, the term for the position for which the candidate is filing must also be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in 20-20-401.

If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than thirty (30) days before the election that a trustee election will not take place. If a trustee election is not held, the trustees shall declare the candidates elected by acclamation and shall issue a "certificate of election" to each candidate.

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

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

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

Montana Code Annotated	Description
13-10-211	Declaration of intent for write-in candidates
20-20-105	Regular school election day and special school elections
20-20-204	Election notice
20-20-301	Qualifications of elector
20-3-305	Candidate qualification, filing deadline, and withdrawal
20-3-313	Election by acclamation – notice
20-3-322	Meetings and quorum
20-3-324	Powers and duties
20-9-353	Additional financing for general fund - election for

Cross References

Code	Description
1105	Membership and Terms of Office
1110	Taking Office

Policy History:

First reading on: 10/8/25
Second reading/Approved on: 11/12/25

Bigfork School District #38

THE BOARD OF TRUSTEES 1111P

Candidate Orientation

Candidates for appointment of election to the Board shall be urged to attend public meetings of the Board. All public information about the school system shall be made available to them.

Additionally, the Board directs the Superintendent to cooperate impartially with all candidates in providing them with information about school governance, Board operations and school programs. This cooperation may include:

1. Notifying the candidate of open meetings of the Board, accompanied with an agenda;

2. Meeting with the candidate to provide background information on the school system and board service and/or arranging such other candidate orientation sessions as the candidate may reasonably request;

3. Providing each candidate with access to publications from the Montana School Boards Association, the official minutes of Board meetings and the District meetings and the District Policy Manual; and,

4. Making arrangements for the candidate to review the current policies of the Board, administrative regulations and other publications of the school system.

Notices of candidate's meetings that are sponsored by impartial, non-partisan organizations may be announced in District publications and/or be sent home with students. The following procedures shall be followed:

1. If a candidate is scheduled to appear or speak as a part of a school-sponsored program, all candidates for that position shall be invited to attend or to send representatives;

2. The school will not send home partisan materials through the students; and,

3. The Superintendent shall invite all candidates to an information session. Each candidate will be given the same materials and information at these sessions.

The School Board considers it important that a new member be knowledgeable about school governance and operations, and, insofar as possible, prepared to discuss and cast informed votes on matters as soon as possible.

Incumbent Board Members and staff shall help new Board Members become fully informed about the Board's functions, policies, procedures and problems.

Promulgation Date: October 15, 2001

Bigfork School District # 38

THE BOARD OF TRUSTEES 1112

Resignation

Resignation of a trustee, for whatever reason, must be submitted in writing to the Clerk of the District. A resignation is effective seventy-two 72 hours after its submission unless withdrawn during that period by the resigner through written notification of withdrawal made to the Clerk.

The Board shall accept the resignation at its next regularly scheduled meeting and proceed to fill the vacancy as provided by statute and Board policy.

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

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

Adopted on: July 21, 1994
Revised on: October 13, 1999

Bigfork School District #38

THE BOARD OF TRUSTEES 1120

Annual Organization Meeting

After the issuance of the election certificates to the newly elected trustees in May, and on or before the (3rd) third Saturday in May, the Board shall elect from among its members a Chairman and a Vice-Chairman to serve one (1) year terms. If a Board Member is unable to continue to serve as an officer, a replacement shall be elected immediately. In the absence of both the Chair and the Vice-Chair, the Board shall elect a Chairman pro tempore who shall perform the functions of the Chair during the latter's absence. The Clerk shall act as Board secretary.

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

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

Policies and By-Laws shall continue from year to year until and unless the Board changes them.

Legal Reference:	§ 20-3-321, MCA	Organization and officers
	§ 20-3-322(a), MCA	Meetings and Quorum

Adopted on: July 21, 1994
Revised on: October 13, 1999

Bigfork School District #38

THE BOARD OF TRUSTEES 1130

Committees

At the Annual Organizational Meeting, the Board shall establish the following Board committees, which shall be comprised of a minimum number of Board members as indicated. In no event shall the number of Board members be great enough to constitute a quorum. At the discretion of the Board, non Board members may be added to the committees. The term of the committees shall be until the next Annual Organizational Meeting. The Board chair shall solicit the Board members to volunteer for committee assignments. If all positions are not filled, the Board chair shall appoint Board members to such committees until the minimum numbers are met.

Negotiations - 3 members
Transportation / Food Service - 1 member
Finance - 3 members
Facilities - 3 members

Instructional Forum - 1 member as liaison (**not a board committee**)
Activities – 1 member as liaison **(not a board committee)**

At the discretion of the Board, other committees of the Board and special citizen committees may be appointed for a special purpose and term in an advisory capacity to the Board.

All committee meetings of Board authorized committees shall adhere to the open meeting laws of Montana, including but not limited to 48 hour advance public notice of a meeting, minutes of the meeting to be maintained in the District Office.

The Board is the legal representative body of School District #38 and may not delegate responsibilities of their office. Therefore, Board committees may only make recommendations to the Board for further action.

Adoption Date: January 18, 1995
Revision Date: July 13, 2000
Revision Date: November 12, 2014

Qualifications, Terms, and Duties of Board Officers

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

Chairperson

The Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the Chairperson of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district. The duties of the Chairperson include the following:

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

The Chairperson has the right to participate in all Board meetings in a manner equal to all other Trustees, including the right to make and second motions, participate in debate, and vote on all motions before the Board.

Vice Chairperson

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

Montana Code Annotated	**Description**
2-3-203	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
20-3-321	Organization and officers
20-3-351	Number of trustee positions in high school districts
20-3-352	Request and determination of number of high school district additional trustee positions - nonvoting trustee

Cross References:

Code	Description
1120	Annual Organizational Meeting
1332	Authorization of Signatures

Policy History:

First Reading on: 10/8/25
Second Reading/Adopted on: 11/12/25

Bigfork School District

THE BOARD OF TRUSTEES 1230

Clerk

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chairman, and keep an accurate journal of its proceedings. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the Board will designate a person to serve as Clerk for the meeting.

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

The Clerk will make the preparations legally required for the notice and conduct of all District elections.

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

Legal references:

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

Adoption Date: December 4, 2003

Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1240**

Duties of Individual Trustees

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

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

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

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

Cross Reference: 1113 Vacancies

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

Policy History:
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1310**

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

Adoption and Amendment of Policies
Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the final reading. The final vote for adoption shall take place not earlier than at the second (2nd) reading of the particular policy. New or revised policies that are required or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st) reading if sufficient notice has been given through the board agenda.

All new or amended policies shall become effective on adoption; unless a specific effective date is stated in the motion for adoption. Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed on a regular basis.

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

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

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

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

Legal References:	Article X, Section 8	Montana Constitution
	§ 20-3-323, MCA	District policy and record of acts
	10.55.701, ARM	Board of Trustees

Policy History:
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38

THE BOARD OF TRUSTEES 1312

Administrative Procedures

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

As written procedures are developed, the Superintendent shall submit them to the Board as an information item. Such procedures need not be approved by a vote of the Board, though they may be revised when it appears that they are not consistent with the Board's intentions as expressed in its policies. On selected procedures, the Superintendent may request voted Board approval.

Adoption Date: January 18, 1995
Revision Date: November 20, 2003

Bigfork School District #38

THE BOARD OF TRUSTEES 1332

Authorization of Signatures

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

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

Claim Forms: Staff employed by the District in the following designated positions are authorized to approve purchase orders for the District:

- Finance Assistant (Except Federal Funds)
- Board Clerk / Business Manager
- Superintendent

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

- Principals
- Principal Secretary
- Board Clerk / Business Manager
- Superintendent

Contracts for Goods and Services and Leases: The Superintendent is authorized to sign, on behalf of the Board, contracts, leases, and/or contracts for goods and services. The types of goods and services contracted for must be pre-approved by the Board.

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

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

Adoption Date: July 21, 1994
Revised Date: February 5, 2004

Board Meetings

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

Regular Meetings

Unless otherwise specified, all meetings will take place in the High School Library. Regular meetings shall take place at 5:00 p.m. on the second (2nd) Wednesday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District's boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day. Meeting duration will be no more than two (2) hours in length unless a majority of the Board agrees through formal action to extend the meeting.

Emergency Meetings

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

Budget Meetings

Between July 1 and August 10 of each year, the Clerk shall publish a notice stating the date, time, and place trustees will meet for the purpose of considering and adopting a final budget for the District, stating that the meeting of the trustees may be continued from day to day until final adoption of a District budget and that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published on the Bigfork School District website, at the Bigfork Elementary School, Bigfork High School and Bigfork District Office.

On the date and at the time and place stated in the published notice on or before August 20, trustees shall meet to consider all budget information and any attachments required by law. The meeting may continue from day to day; however, the Board must adopt a final budget not later than August 25.

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Special Meetings

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

Executive Sessions

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

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

Policy History:
Adopted on: 09/20/2001
Revised on: 10/02/2003, 04/29/2009, 11/12/2014
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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School Board Meeting Procedure

Agenda

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

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

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

Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee at least forty-eight (48) hours in advance of a Board meeting and will be available to any interested citizen at the Superintendent's office forty-eight (48) hours before a Board meeting. Agendas serving as the public notice of a meeting will be posted and distributed in accordance with Policy 1400. Agendas shall note the meeting will be recorded in accordance with this policy. Upon convening a meeting, the Board Chair shall announce the meeting is being recorded in accordance with this policy.

Recording and Broadcast

Unless exempt as a third-class district under Section 20-6-201, MCA, and Section 20-6-301, MCA, the District shall record their public meetings as described in Policy 1400 in an audio and video format. The District shall make the audio and video recordings publicly available within 5 business days after the meeting with a link to the recording on the District's website. If the District does not maintain a website, it shall establish and maintain a social media page and provide a link to the recording on the social media page.

The audio and video recordings created in accordance with this section of the policy are not required to be the official record or minutes of the meeting as detailed elsewhere in the policy. If a recording is not designated as the official record or minutes, the recording may be destroyed after being retained online for 1 year and will no longer be subject to the requirements of Title 2, Chapter 6, for public information requests upon destruction. If a recording is designated as the official record or minutes as specified in this policy, the provisions of the policy as required by Section 2-3-212, MCA, shall apply.

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The District is not required to disrupt or reschedule a meeting if there is a technological failure of the meeting recording. If the recording is not able to be made available on the District's website or social media site, the District shall prominently post a notice in the same manner as a notice of a public meeting under Policy 1400 and shall post a notice at all locations where the meeting recording links are available. The notice must explain the reason the meeting was not recorded and describe the steps taken to remedy the failure prior to the next meeting.

Consent Agenda

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

Minutes

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

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;
- Summary of discussion on all matters discussed (including those matters discussed during the "public comment" section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

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

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

Quorum

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

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Electronic Participation

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

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

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

Meeting Conduct and Order of Business

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

Rescind a Motion

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

Cross Reference: 1441 Audience Participation

Legal References:	§ 2-3-103, MCA	Public participation - governor to ensure guidelines adopted
	§ 2-3-202, MCA	Meeting defined
	§ 2-3-212, MCA	Minutes of meetings – public inspection
	§ 2-3-213, MCA	Recording of meetings
	§ 20-1-212, MCA	Destruction of records by school officer
	§ 20-3-322, MCA	Meetings and quorum
	§ 20-3-323, MCA	District policy and record of acts
	Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005	

Policy History:
First reading on: 4/10/24
Second reading/Approved on: 5/15/24

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BOARD OF TRUSTEES

Exhibit Model Agenda for Regular Business Meetings

I. Call to Order
II. Pledge of Allegiance
III. Comments from the Audience on Non-Agenda Items
IV. Approval of the Agenda
V. Consent Agenda
VI. Reports
VII. Old Business
VIII. New Business
IX. Superintendent's Report
X. Board Announcements
XI. Future Meeting Schedule
XII. Executive Session when applicable
XIII. Adjournment

SCHOOL BOARD AGENDA ITEMS FORM

_____ _____
Name of Person Making Request Date of Request

_____
Mailing Address of Person Making Request Phone Number

Topic for Presentation _____

Relevant Points: _____

_____

_____

What Would You Like The Board To Do? _____

_____

_____

_____

Note: This topic will appear on the agenda of the next Regular Meeting of the Board of Trustees. You are invited to attend the meeting and speak to your concern. This item will not be voted on at the meeting unless an emergency exists. If any of the trustees want to bring this item to a vote, it will be placed on a future agenda.

In order for your topic to be placed on the meeting agenda, this form must be returned to the superintendent's office on Wednesday of the week prior to the meeting.

Approved_____ Time Allotted_____

Denied_____ Reason_____
(i.e. late submitting, agenda full, confidential nature)

_____ _____
Superintendent's Signature Date

Revision Date: July 15, 1999

Bigfork School District #38

THE BOARD OF TRUSTEES 1425

Abstentions from Voting

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

I. When hiring the relative of a trustee;

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

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

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

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

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

Legal Reference:

§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
§ 20-3-323, MCA	District policy and record of acts
§ 2-2-121, MCA	Rules of conduct for public officers and public employees
§ 2-2-105, MCA	Ethical requirements for public officers and public employees
§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
§ 20-1-201, MCA	School officers not to act as agents

Adoption Date: October 2, 2003

Audience Participation

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

Cross Reference: 1420 School Board Meeting Procedure

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

Policy History:
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Code of Ethics for School Board Members

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

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

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

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

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

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

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

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

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

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

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

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

Adoption Date: January 20, 2000

Bigfork School District #38

THE BOARD OF TRUSTEES 1512

Conflict of Interest

A trustee may not:

1. Engage in a substantial financial transaction for the trustee's private business purpose with a person whom the trustee inspects or supervises in the course of official duties.
2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
3. Act as an agent or solicitor in the sale or supply of goods or services to a district.
4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions which are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.
5. Be employed in any capacity by the District.
6. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

    a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days.
    b. This prohibition does not apply to the renewal of an employment contract of a person who was initially hired before the Board member to whom he/ she is related assumed the position.
    c. This prohibition does not apply if the trustees comply with the following requirements: 1) All trustees, except the trustee

related to the person to be employed or appointed, vote to employ the related person; 2) The trustee related to the person to be employed abstains from voting; and 3) The trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

Degrees of Affinity

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

Adoption Date: January 5, 2000

Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1513**

Management Rights

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

1. Direct employees;

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

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

4. Maintain the efficiency of District operations;

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

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

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

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

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

Cross Reference: 6110 Superintendent

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

Policy History:
Adopted on: 01/18/1995
Revised on: 02/05/2004
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38

THE BOARD OF TRUSTEES 1520

Board/Staff Communications

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

Staff Communications to the Board

All official communications or reports to the Board, from principals, supervisors, teachers, or other staff members, shall be submitted through the Superintendent. This shall not deny any staff member's right to appeal to the Board from administrative decisions, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed according to the applicable procedures for complaints and grievances.

Board Communications to Staff

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

Visits to Schools

In accordance with Montana statutes, each trustee shall visit each school of the District not less than once each school fiscal year to examine its condition and needs. Individual Board members interested in visiting schools should, out of courtesy, make arrangements for visitations through the principals of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes.

Social Interaction

Staff and Board members share a keen interest in the schools and education. When they meet at social affairs and other functions, informal discussion on such matters as educational trends, issues, and innovations and general District problems can be anticipated. Individual Board members do not and may not speak for the Board. Board and staff are directed to used established channels for resolution of disputes. Discussions of personalities or staff grievances are not appropriate.

Legal Reference: § 20-3-324(21), MCA Powers and duties

Adoption Date: January 18, 1995
Revision Date: February 5, 2004

Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1521**

Board-Superintendent Relationship

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

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

Cross Reference:	6110 Superintendent	
Legal Reference:	§ 20-4-401, MCA	Appointment and dismissal of district superintendent or county high school principal
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal

Policy History:
Adopted on: 02/05/2004
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District

THE BOARD OF TRUSTEES 1531

Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

Trustees normally attend workshops, training institutes, and conferences at both the state and national level. It is appropriate that trustee expenditures at these out-of-District meetings be paid by the District. It is the intent of the District to pay all legitimate costs for trustees to attend out-of-District meetings.

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

Cross Reference: 7336 Travel Allowances and Expenses

Adoption Date: July 21, 1994
Revision Date: February 5, 2004

Bigfork School District #38

THE BOARD OF TRUSTEES 1532

Trustee Insurance

The District shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the District and within the trustee's authority.

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

Adoption Date: July 21, 1994
Revision Date: January 15, 2004

Indemnification and Defense of Trustees and Employees

The District shall defend and indemnify trustees and employees in accordance with the provisions of Section 2-9-305, MCA.

Adoption Date: February 3, 1999
Revision Date: March 11, 2004

Bigfork School District #38 **R**

THE BOARD OF TRUSTEES **1610**

Annual Goals and Objectives

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

The Chairperson may appoint a committee of the Board, to include the Superintendent and/or Principal to annually review the goals and report to the Board.

Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

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

Policy History:
First reading on: 9/8/21
Second reading on: 10/13/21
Third reading/Adopted on: 11/10/21

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Bigfork School District #38

THE BOARD OF TRUSTEES 1620

Evaluation of Board

At the conclusion of each year, the Board may evaluate its own performance in terms of generally accepted principles of successful Board operations.

The Board may choose to evaluate the effectiveness of the processes it employs in carrying out the responsibilities of the District. Those processes include, but are not limited to: team building, decision making, functions planning, communications, motivation, influence, and policy.

Adoption Date: February 5, 2004

Bigfork School District

THE BOARD OF TRUSTEES 1621

In-Service Conference for Trustees

In keeping with the need for continued boardsmanship development, the Board encourages the participation of its members at appropriate Board conferences, workshops, conventions, and District-sponsored in-service training sessions. Funds for participation at such meetings will be budgeted on an annual basis.

Adoption Date: July 21, 1994
Reviewed Date: January 15, 2004

Bigfork School District #38

THE BOARD OF TRUSTEES 1630

Liaison with Districts and Educational Associations

The Board may join in co-operatives, state and local associations, and any memberships it deems appropriate by a majority vote of its members. Trustees, representatives, and employees are entitled to reimbursement for expenses directly related to attendance at meetings, conventions or other gatherings approved by the trustees.

Cross Reference - Policy #7336

Legal Reference	20-1-211, MCA	Expenses of officers or employees attending conventions - education associations

Adoption Date: January 18, 1995
Reviewed Date: January 15, 2004

Bigfork School District #38

THE BOARD OF TRUSTEES 1640

Board Participation in Activities

Members of the Board, collectively and individually, are encouraged to attend school activities, social functions, and instructional programs at no cost to the trustees, in order to view and observe such functions in operation. Attendance at such programs as musical presentations, speech activities, clubs, dramatic productions, and athletic events, indicates interest in school affairs and provides opportunity for more comprehensive understanding of the total school program. Administration will provide appropriate communications to trustees to keep them informed about activities they may wish to attend.

Adoption Date: February 5, 2004

Uniform Complaint Procedure

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

This uniform complaint procedure shall be made available on the District's website at a location which shall be included in all handbooks issued by the District.

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

A complaint is appropriate under this policy when an individual believes the District, its Board of Trustees, or an employee of the District, has violated the individual's rights or the rights of their child under state or federal law or Board policy. A complaint is not appropriate and therefore subject to dismissal when the basis for the complaint is disagreement with an action or omission of the District under circumstances where there has been no violation of the individual's rights or the rights of their child. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.

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

Level 1: Informal

An individual with a complaint is strongly encouraged to first attempt to resolve the complaint by discussing it with the appropriate employee or building administrator with the objective of resolving the matter promptly and informally in accordance with Policy 2158. If such resolution is not possible, the individual may choose to file a formal written complaint in accordance with specifications at Level 2. If, however, the complaint involves allegations of sexual harassment, informal resolution with the alleged harasser is not encouraged, and a sexual harassment complaint should instead be submitted to the District's Title IX Coordinator in accordance with District Policy 3225 or 5012.

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) a description of the event(s) or incident(s) giving rise to the complaint, including the approximate date, time, and location of the incident(s) or event(s), as well as the

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identities of any witnesses to the incident(s) or event(s); (2) an explanation of the rights the complaining party believes to have been violated; and (3) the remedy or resolution requested. The written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

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

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

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

Level 3: Superintendent

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

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

Level 4: The Board

Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal law or Board policy which the Board of Trustees has authority to remedy, the Board may consider the Superintendent's decision. It is the role of the Board to review the decision of the Superintendent for compliance with applicable District policies. It is not the role of the Board to reinvestigate the matter, and the Board is entitled to rely upon the facts determined during an investigation conducted at Level 2 or 3.

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Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board, or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy.

If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. If the matter is heard by the Board or by an appeals panel, the Board shall have the authority to uphold the decision of the Superintendent; to reverse the decision of the Superintendent; to remand the case back to the Superintendent for further investigation or other action deemed necessary by the Board; or any combination of the above.

Montana Code Annotated	**Description**
20-20-108	Rescheduling Of School Election Canceled Due To Declaration Of State Of Emergency Or Disaster
20-3-210	Controversy appeals and hearings
20-5-323	Require trustees to adopt a grievance policy

Administrative Rules of Montana	**Description**
10.55.701	Board of Trustees Rules of Procedure for All School Controversy Contested Cases Before the County Superintendent

United States Constitution	**Description**
First Amendment	Right to petition the Government for a redress of grievances

United States Code	**Description**
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
29 USC 701, et seq.	Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990

Cross References

Code	**Description**
1400	Board Meetings
1420	School Board Meeting Procedure
1420-NF(1)	School Board Meeting Procedure - Notice Regarding Public Comment
2132	Student and Family Privacy Rights
2158	Parent and Family Engagement and Educational Involvement
2309	Library Program and Materials
2310	Selection of Library Materials
2310-P(1)	Selection of Library Materials - Procedure
2311	Instructional Materials
2311-P(1)	Instructional Materials - Procedure

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2314	Instructional and Library Materials Review
2314-NF(1)	Instructional and Library Materials Review - Request for Reconsideration Form
2330	Controversial Issues and Academic Freedom
3125	Education of Homeless Children
3125-NF(1)	Education of Homeless Children - McKinney-Vento Homeless Education Assistance Dispute Resolution Form
3210	Equal Educational Opportunity and Nondiscrimination
3225	Sexual Harassment of Students
3225-P(1)	Sexual Harassment of Students - Procedure
3225-NF(1)	Sexual Harassment of Students - Sexual Harassment Reporting/Intake Form for Students
3226	Bullying
4310	Public Complaints and Suggestions
4316	Accommodating Individuals With Disabilities
5002	Accommodating Individuals With Disabilities
5010	Equal Employment Opportunity, Nondiscrimination, and Sex Equity
5125	Whistle Blowing and Retaliation

Policy History:
First reading on: 10/8/25
Second reading/Adopted on: 11/12/25

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Bigfork School District #38 **R**

INSTRUCTION **2000**

Goals

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

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

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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School Year Calendar and Day

School Calendar

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

Commemorative Holidays

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

Saturday School

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

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

School Fiscal Year

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

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

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

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

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

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

Extended School Year

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

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

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2105**

Grade Organization

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

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

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

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

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

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2120**

Curriculum and Assessment

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

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

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

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

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

Cross Reference:	2000 Goals	
	2110 Objectives	
Legal Reference:	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	§ 20-7-602, MCA	Textbook selection and adoption
	10.55.603, ARM	Curriculum and Assessment

Policy History:
Adopted on: 10/20/1994
Revised on: 03/11/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity as consistently recognized in state and federal courts and as required by state and federal law and District policy.

Surveys - General

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

Parental Rights Regarding Surveys

Except for information that is necessary and essential for establishing a student's education record or for a demographic survey to validate an achievement test used to gain admission to a postsecondary institution, parents shall have the right to: (a) opt their child out of any personal analysis, evaluation, survey, or data collection by the District that does not require personally identifiable information; and (b) opt their child in to any personal analysis, evaluation, survey, or data collection by a school district that requires personally identifiable information.

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Behavior or attitudes about sex;
4. Illegal, antisocial, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom students have close family relationships;

6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;

7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

1. Inspect the survey within a reasonable time of the request; and/or
2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

No student in the District shall be required, as part of any applicable program, to submit to any survey, analysis, or evaluation that requests or requires the disclosure of the above-noted personal information in this section without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. This provision specifically documents the arrangements taken to protect student privacy in accordance with 20 USC § 1232h(c)(1)(a)(b).

Instructional Material

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

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

Collection of Personal Information From Students for Marketing Prohibited

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

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

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

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

Notification of Rights and Procedures

This policy shall be posted on the District's website and provided in a manner specified in accordance with law and policy. The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability from the administration office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

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

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

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

Montana Code Annotated	**Description**
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
40-6-703	Increase parental involvement in education

Administrative Rules of Montana	**Description**
10.55.601	Accreditation Standards: Procedures
10.55.701	Board of Trustees

10.55.722 Family and Community Engagement

United States Code	**Description**
20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
20 USC 1232h	Protection of pupil rights
20 USC 6318	Parent and Family Engagement

Cross References

Code	**Description**
1000	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2000	Goals
2120	Curriculum and Assessment
2130	Program Evaluation and Diagnostic Tests
2158	Parent and Family Engagement and Educational Involvement
2160	Title I Parent Involvement
2160-P(1)	Title I Parent Involvement - Title I Equivalency/Comparability
2335	Human Sexuality Instruction and Identity Instruction
2335-NF(1)	Human Sexuality Instruction and Identity Instruction - Annual Notice
2335-NF(2)	Human Sexuality Instruction and Identity Instruction -5 to 14 Day Notice
3233	Student Use of Buildings
3410	Student Health
3410-NF(1)	Student Health
3413	Student Immunization
3413-F(1)	Student Immunization -Medical Exemptions
3413-F(2)	Student Immunization - Religious Exemptions
3600	Student Records
3600-P(1)	Student Records - Maintenance of School Student Records
3600-NF(1)	Student Records - Notification to Parents and Students of Rights Concerning a Student's School Records
3600-F(1)	Student Records

Policy History
First reading on: 10/8/25
Second reading/Adopted on: 11/12/25

Bigfork School District #38

INSTRUCTION 2132F

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

The PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

• *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)—

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

•*Receive notice and an opportunity to opt a student out of—*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

•*Inspect,* upon request and before administration or use —

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law

Bigfork School District No. 38 has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify, through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

Guidance and Counseling

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

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

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

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

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

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

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

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

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

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

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

The Board directs the Superintendent to work with staff, community and appropriate agencies to develop, implement and regularly evaluate this program.

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

Adopted Date: August 18, 1994
Revision Date: March 11, 2004

Bigfork School District #38

INSTRUCTION **2150**

Suicide Awareness and Prevention

Professional Development

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

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

Youth suicide and prevention training may include:

A. In-person attendance at a live training;
B. Video conference;
C. An individual program of study of designated materials;
D. Self-review modules available online; and
E. Any other method chosen by the local school board that is consistent with professional development standards.

Prevention and Response

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

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

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

This policy will be reviewed by the Board of Trustees on a regular basis.

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

Policy History:

First reading on: 10/13/21

Second reading/Adopted on: 11/10/21

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Interscholastic Activities

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

All aspects of the interscholastic program shall provide equal educational opportunities for all program participants in accordance with guidelines established by Title IX of the Education Amendments of 1972 and the Montana High School Association. Examples of circumstances where gender equity shall be maintained include, but are not limited to, equipment, supplies, scheduling, facilities, travel arrangements and expenses, overnight housing accommodation and support for post-season events.

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

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

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

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

Cross Reference: 3416 Administering Medicines to Students

Legal Reference: 10.55.707, ARM Certification

Adoption Date: July 18, 1996
Revision Date: March 11, 2004

Family Engagement Policy

The Bigfork School District #38 Board of Trustees believes that engaging parents/families in the education process is essential to improved academic success for students. The Board recognizes that a student's education is a responsibility shared by the district, parents, families and other members of the community during the entire time a student attends school. The Board believes that the district must create an environment that is conducive to learning and that strong, comprehensive parent/family involvement is an important component. Parent/Family involvement in education requires a cooperative effort with roles for the Office of Public Instruction (OPI), the district, parents/families and the community.

Parent/Family Involvement Goals and Plan

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

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

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

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

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

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

6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation.

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

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

2. Implement strategies to involve parents/families in the educational process, including:

   < Keeping parents/families informed of opportunities for involvement and encouraging participation in various programs.

   < Providing access to educational resources for parents/families to use together with their children.

   < Keeping parents/families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.

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

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

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

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

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

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

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Title I Parent and Family Engagement

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

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

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

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

1. Information about programs provided under Title I;

2. A description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;

3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and

4. The opportunity to bring parent comments, if they are dissatisfied with the school's Title I program, to the District level.

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

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The parents and family members of children (including parents and families of migrant children if applicable) identified to participate in Title I programs shall receive from the school principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents and family members to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist at home in the education of their children.

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

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

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

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

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

NOTE: Districts with more than one (1) school participating in a Title I program may wish to consider the establishment of a district-wide parent advisory council.

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

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Title I – Equivalency/Comparability

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

1. Salary Scales

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

2. Assignment of Teachers, Administrators, and Support Personnel

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

3. Curriculum Materials and Instructional Supplies

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

Title I Parent Involvement

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

Guidelines

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

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

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

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Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

Community

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

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

Administration

It is the responsibility of the administration to:

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

Procedure History:
Promulgated on: 03/11/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2161**

Special Education

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

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

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

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

Policy History:
Adopted on: 08/14/1994
Revised on: 05/17/2001
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Special Education

Child Find

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:
   - A. Infants and Toddlers (Birth through Age 2)
     Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
   - B. Preschool (Ages 3 through 5)
     Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
   - C. In-School (Ages 6 through 18)
     Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
   - D. Post-School (Ages 19 through 21)
     Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.
   - E. Private Schools (This includes home schools.)
     Child find procedures addressing the provisions of ARM 10.16.3125(1); follow-up procedures for referral and evaluation.
   - F. Homeless Children
     Procedures to identify and provide services to students experiencing homelessness consistent with the McKinney-Vento Homeless Assistant Act as specified in Policy 3125.

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G. Dyslexia

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

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

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

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

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

Procedures for Evaluation and Determination of Eligibility

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

10.16.3320 - Referral;
10.60.103 - Identification of Children with Disabilities;
10.16.3321 - Comprehensive Educational Evaluation Process;

Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 CFR 300.500 - 300.530.

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

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

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- Upon request by a parent.

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

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

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

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

Evaluation of Eligibility

Evaluation of eligibility for special education services will be consistent with the requirements of 34 CFR 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility; and shall also comply with ARM 10.16.3321.

Individualized Education Programs

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

Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 CFR 300.114 - 300.120, and a continuum of alternate placements is available as required in 34 CFR 300.551.

Children in Private Schools/Out-of District Placement

Children with a disability placed in or referred to a private school or facility by the District, or other appropriate agency, shall receive special education and related services in accordance with the requirements and procedures of 34 CFR 300.145 through 300.147 and ARM 10.16.3122.

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

Impartial Due Process Hearing

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

Special Education Records and Confidentiality of Personally Identifiable Information

A. Confidentiality of Information

The District follows the provisions under the Family Educational Rights and Privacy Act and implements the procedures in 34 CFR 300.610-300.627, § 20-1-213, MCA, and ARM 10.16.3560.

B. Access Rights

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

C. List of Types and Locations of Information.

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

D. Safeguards

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

E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. Medicaid reimbursement records must be retained for a period of at least six years and three months from the date on which the

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service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later. The parent will be advised that such information may be important to establish eligibility for certain

adult benefits. At the parent's request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children's Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student's educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child's teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	§ 20-1-213, MCA	Transfer of school records
	10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
	10.16.3220 ARM	Program Narrative
	10.16.3321 ARM	Comprehensive Educational Evaluation Process
	10.16.3340 ARM	Individualized Education Program and Placement Decisions
	10.16.3560 ARM	Special Education Records
	10.60.103 ARM	Identification of Children with Disabilities
	37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
	Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act

Procedure History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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

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

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

Policy History:
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Procedure For Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

1. **Free Appropriate Public Education**: The district will provide a free appropriate public education to school-age children with disabilities in the district's jurisdiction regardless of the nature or severity of the person's disability.

2. **Child Find**: The district will annually undertake to identify and locate every qualified disabled students residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify disabled children and their parents or guardians of the district's responsibilities under Section 504.

3. **Equal Educational Opportunity**: The district will provide students with disabilities an equal opportunity to participate in and benefit from the educational services it provides to nondisabled students. The teachers of disabled students will meet comparable standards for certification that teachers of non-disabled students meet. Facilities will be of comparable quality and appropriate materials and equipment will be available.

4. **Confidentiality of Information**: The confidentiality of student records will be maintained throughout the period of time when such records are collected, stored, disclosed or destroyed by the district.

5. **Parent Involvement:**

(a) Initial Evaluation. The district will obtain the consent of parents or guardians before conducting an initial evaluation of a student. The district will notify parents or guardians of the evaluation results.

(b) Initial Placement. The district will notify parents or guardians before initially placing a disabled student or any decision to not place a student and the reasons for the decision.

(c) Significant Change in Placement. The District will notify parents or guardians before implementing a significant change in the student's placement.

(d) Right to Challenge. The district will notify parents or guardians of their right to review and challenge the district's program and placement decisions if they disagree with them.

(e) Meetings. Parents shall be provided the opportunity to participate in Section 504 Team meetings during which their child's program is designed and placement is determined.

6. Participation in the Least Restrictive Environment:

(a) Academic setting. To the maximum extent appropriate, the district will educate disabled students with non-disabled students. In order to remove a child from the regular

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educational environment, the district must demonstrate that education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily for the disabled student. Whenever the district places a student in a setting other than the regular education environment, it will take into account the proximity of the alternate setting to the student's home.
(b) Non-academic setting. In providing or arranging for the provision of non-academic and extra-curricular services and activities, including meals, recess periods and the services and activities, the district will ensure that disabled students participate with non-disabled students in such activities and services to the maximum extent appropriate.

7. Referral and Screening:

(a) Referral: If a parent or guardian, teacher, counselor or administrator believe they are observing in a student substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment, the concerned individual should complete a referral form from the counselor or request assistance from Section 504 Coordinator to serve the student.
(b) Screening: A designated building team will review referrals to determine if an evaluation is appropriate. If an evaluation appears to be necessary because of the student's needs or is believed to need special education or related services, the district will obtain written consent from parents or guardians to perform an evaluation and/or gather additional information and will provide parents with a written statement of their rights under Section 504. If the building team determines that an evaluation is not necessary, it will provide written notice to parents/guardians, and forward the results of the screening to the source of the referral.

8. Evaluations:

(a) Significant Change in Placement: If a student is believed to be disabled and needs, or is believed to need, special education or related services, the district shall evaluate the student prior to placement and before any subsequent "significant change in that placement." An evaluation need not include formal or written assessments but may involve, in appropriate circumstances, a review and consideration of existing information. Examples of significant changes in placement include:

i. Expulsion;
ii. Suspensions which exceed ten consecutive days in a school year;
iii. Cumulative short-term suspensions which create a pattern of exclusion;
iv. Transferring a student to home instruction; and/or
v. Graduation from high school.

(b) Tests and Evaluation Materials: The district will establish procedures for evaluation and placement which assure that tests and other evaluation materials:

i. Have been validated for the specific purpose for which they are used and are administered by trained personnel in the specific areas of educational need
ii. Are tailored to assess educational need and are not merely used to measure IQ and
iii. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (unless the test is designed to measure these particular deficits).

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9. Mitigating Measures: The determination of whether a student is substantially limited in one or more major life activities will be made without regard to any ameliorative effects of mitigating measures which include, but are not limited to: medication, medical supplies, equipment, appliances, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications. However, ameliorative effects of mitigating measures may be relevant as to whether a student needs any specific accommodation or a 504 accommodation plan.

Low vision devices do not include ordinary eyeglasses or contact lenses. The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether the impairment substantially limits a major life activity.

10. Temporary Impairments: A student with a temporary impairment falls within the scope of Section 504 if the temporary impairment substantially limits one or more of the student's major life activities. A temporary impairment is one with an actual or expected duration of six months or less.

11. Placement Procedures: The Section 504 team will convene to review all evaluation results, determine eligibility as a student with a disability under Section 504 and document the meeting in writing. The team composition may vary according to the needs of the student.

In interpreting evaluation data and in making placement decisions, the district will:

(a) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;

(b) establish procedures to ensure that information obtained from all such sources is documented and carefully considered;

(c) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placements options; and

(d) ensure that the student is educated with the student's non-disabled peers to the maximum extent appropriate.

Parents and guardians of students who have a plan developed under Section 504 will be provided a copy of the district policy (see Policy 3305) on the use of seclusion and restraint at the time that the plan is created. If the district affords a free appropriate education to a student but the parent chooses to place the child elsewhere, the district is not responsible to pay for the out-of-district placement.

12. Reevaluations: The district will provide for periodic reevaluation of disabled students. A reevaluation is also required before any "significant change of placement," as defined above in Part 8.

13. Programming to Meet Individual Needs: The district recognizes that to be appropriate, educational programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of non-disabled students are met. A documented procedure, such as the development of an individualized accommodation plan by a knowledgeable team of educational professionals, may be appropriate.

14. Non-Academic Services: The district will provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreation athletics, transportation, health services, recreational

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activities, interest groups or clubs sponsored by the district, referrals to agencies which provide assistance to disabled persons and employment of students, including both employment by the district and assistance in making available outside employment. The district will observe reasonable health and safety standards for all students.

(a) Counseling Services: In providing personal, academic or vocational counseling, guidance or placement services to its students, the district will provide these services without discrimination on the basis of disability. The district will ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are non disabled students with similar interests and abilities.

(b) Physical Education and Athletics: In providing physical education courses and athletics and similar programs and activities to any of its students, the district will not discriminate on the basis of disability. If the district offers physical education courses and operates or supports interscholastic, club or intramural athletics, it will provide an equal opportunity for qualified students with disabilities to participate in these activities. 15. Preschool and Adult Education Programs: In the operation of preschool education, or day care program or activity, or an adult education program or activity, the district will not, on the basis of disability, exclude qualified students with disabilities from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

16. Disciplinary Exclusion:

(a) Exclusions: Students with disabilities are protected from being improperly excluded from school for disciplinary reasons. Certain disciplinary exclusions of disabled students from school constitute a significant change in the student's educational placement. A disciplinary change in the student's educational placement occurs if the student has been suspended for more than ten consecutive days or if the disciplinary exclusions constitute a "pattern of exclusion" (defined below). Such disciplinary exclusions, which are change of placement, cannot be implemented unless the district first determines that the student's misconduct which led to the disciplinary exclusion was not a manifestation of the student's disability.

b) Manifestation Determinations: If a disciplinary exclusion (suspension or expulsion) which constitutes a change in placement is implemented, the school principal or educational staff person responsible for the imposition of discipline must ensure that a group of qualified professionals (the student's Section 504 team) determine whether or not the misconduct is a manifestation of the student's disability.

The misconduct is considered a manifestation of the disability if the conduct was caused by, or had a direct and substantial relationship to the student's disability. This manifestation determination will take into account the student's current evaluation and individualized accommodation plan under Section 504.

Under Section 504, there is no obligation to provide educational services during periods of longterm suspension or expulsion when the student's misconduct has been properly determined not to be disability-related. However, state law requires the district to provide educational services to all students duringa period of suspension or expulsion (See Policy/Procedure 3241).

If a student's misconduct is determined to be a manifestation of the student's disability, procedures in to address the disability be instituted in lieu of either long-term suspension or expulsion.

(c) Conduct That Is a Manifestation of a Disability. When a student has engaged in misconduct which is a manifestation of to his or her disability, expulsion and/or long term suspension should not be imposed if it would result in a change in educational placement (a disciplinary exclusion from school of

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over ten consecutive days or exclusions which constitutes a pattern of exclusion). Days will be measured cumulatively over the period of the entire school year, with any short-term suspensions as counting toward the cumulative total.

When a student's misconduct is related to a disability, additional evaluations and/or a change of placement should be considered. In this circumstance, the Section 504 team will meet to determine if there is a need for further evaluation or a change of program. If further evaluation is recommended, it will be conducted as soon as reasonably possible.

(d) Pattern of Exclusion. Suspension or emergency expulsion of a disabled student may occur, without the need to determine if there is a causal connection with the disability, if the suspension or emergency expulsion is ten consecutive days or less, or if more than ten cumulative days is not a pattern of exclusion. A pattern of exclusion occurs if:

i. The removal is for more than ten school days in a year; and
ii. The student's behavior is substantially similar to the behavior that he/she was previously removed for.

Additional factors to consider are the length of each removal (the total amount of time the student has been removed, and the proximity of the removals to one another), and the school must determine on a case-by-case basis whether a pattern of removals is significant enough to constitute a change in placement.

(e) Right to Challenge. Students and their parent/guardian will be notified of the results of the manifestation decision and of their right under the law to challenge this decision.

(f) Drugs or Alcohol. Students who are considered disabled under Section 504 are subject to the same disciplinary processes and results as non-disabled students for misconduct regarding the use, sale or possession of drugs or alcohol at school.

17. Restraint or Isolation. Restraint or seclusion of students who have a Section 504 plan will be authorized only under the limited circumstances specified in Policy 3305 and each incident will require reporting and parent/guardian notification as specified in that policy and procedure.

18. Transportation: If the district places a student in a program not operated by the district, the district will assure that adequate transportation to and from the program is provided at no cost to the parent.

Because the district provides transportation to all its students within a certain geographic area, it will not discriminate in its provision of transportation to students with disabilities.

If the district proposes to terminate a qualified disabled student's bus transportation for inappropriate bus behavior, the district will first determine the relationship between the student's behavior and his or her disabling condition. The parent or guardian will be provided with notice of the results of such determinations and of their right to challenge such determinations.

19. Procedural Requirements: The district willensure compliance with the requirements of Section 504 by doing the following:

(a) Assurance. Provide written assurance of non-discrimination whenever the district receives federal money;

(b) Designation of Employee. Designate an employee to coordinate the district's Section 504 compliance activities.

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(c) Grievance Procedures. Provide grievance procedures to resolve complaints of discrimination. Students, parents or employees are entitled to file grievances. The grievance procedures for the district are set out in Policy 1700;
(**d) Notice.** Provide notice to students, parents/guardians, employees, unions and professional organizations of the district's nondiscrimination policy in admission and access to programs and activities, and in treatment and employment. Notice will also specify the Section 504 coordinator for the district;
(e) Locate. Annually undertake to identify and locate all Section 504 qualified disabled children in the district's jurisdiction who are not receiving a public education;
(f) Annual Notification. Annually take appropriate steps to notify disabled persons and their parents/guardians of the district's responsibilities under Section 504; and
(**g) Procedural Safeguards.** Establish and implement procedural safeguards to be provided to parents/guardians with respect to actions regarding the identification, evaluation or educational placement of persons who, because of disability, need, or are believed to need, special instruction or related services. Procedural safeguards will include:

i. Notice of rights;
ii. An opportunity for parents/guardians to examine relevant records;
iii. An impartial hearing, initiated by either the parents/guardian or the district, with opportunity for participation by the student's parents/guardians and representation by legal counsel; and
iv. A review procedure.

20. Appropriate Funding: The District recognizes that the 504 process is an unfunded mandate, yet the regular education funding of the district could be the funding source for serving students who are qualified as disabled under Section 504 only. However, if students are dual identified as Section 504 and IDEA eligible, state and federal special education funds can be used. The district will not use money appropriated by the IDEA to serve students found disabled under Section 504 but not the IDEA. The district may use the IDEA money to evaluate a student if the district believes that the student may also be eligible under the IDEA.

21. Special Considerations for ADD/ ADHD Students: Section 504 obligations apply to all students with disabilities, including students with attention deficit disorder (ADD) or attention-deficit/hyperactivity disorder (ADHD). Under federal guidance, there are three different types of ADHD, which are categorized depending upon which symptoms are the strongest: (1) predominately inattentive type; (2) predominately hyperactive-impulsive type; and (3) combined type (where symptoms of the first two types are equally present).

22. Due Process Hearing or Mediation Requests

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

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

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

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

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

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

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

vii. Within five (5) days of the District's selection of a hearing officer, a pre-hearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues.

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

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

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

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

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xii. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of the student's decision to the parties;

xiii. Appeals may be taken as provided by law.

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

Administrative Rules of Montana	**Description**
10.16.3346	Aversive Treatment Procedures
10.55.805	Children with Disabilities

United States Code	
29 USC 701, et seq	Description Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990

Code of Federal Regulations	**Description**
34 CFR 104	Section 504 of Rehabilitation Act

Cross References

Code	**Description**
1005FE	Proficiency-Based ANB
1610	Goals and Objectives
2050	Innovative Student Instruction
3210	Equal Educational Opportunity and Nondiscrimination
8111	Transportation of Students With Disabilities
8425	Service Animals 8425-P(1) Service Animals - Allowance Procedure

Policy History
First reading on: 10/8/25
Second reading/Adopted on: 11/12/25

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Bigfork School District #38

INSTRUCTION 2163

Traffic Education

Students, 15 years old or older, or who will reach their 15th birthday within 6 months of the course completion, are eligible to enroll in a Traffic Education program. Students are scheduled by age, with the oldest student having first priority.

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

Legal Reference:	20-7-503, MCA	District Establishment of Traffic Education Program
	20-7-507, MCA	District Traffic Education Fund
	10.13.307- 313, ARM	Program Standards and Course Requirements for Traffic Education
	20-7-502, MCA	Montana Traffic Education Law

Adoption Date: August 14, 1994

Bigfork School District #38

INSTRUCTION 2166

Gifted Program

To the extent possible within the resources available, all gifted and talented students shall have the opportunity to participate in appropriate educational programs. The term "gifted and talented" means children of outstanding abilities who are capable of high performance and require differentiated educational programs beyond those normally offered in public schools, in order to fully achieve their potential contribution to society and self.

The Board authorizes the Superintendent to provide a gifted program, which includes:

1. Expansion of academic attainments and intellectual skills;

2. Stimulation of intellectual curiosity, independence, and responsibility;

3. Development of a positive attitude toward self and others; and

4. Development of originality and creativity.

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

Legal References:	§§ 20-7-901 - 904, MCA	Gifted and talented children
	10.55.804, ARM	Gifted and Talented

Adoption Date: August 14, 1994
Revision Date: March 11, 2004

Bigfork School District #38

INSTRUCTION 2167

Correspondence Courses

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

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

1. prior permission has been granted by the principal;

2. the program fits the education plan submitted by the regularly enrolled student;

3. credit is granted for the following approved schools:

    a. schools approved by the National University Extension Association or through one of the schools approved by the National Home Study Council;

    b. community colleges, vocational-technical institutes, four-year colleges and universities and State-approved private schools in the state of Montana; and

    c. other schools or institutions which are approved by the District after evaluation for a particular course offering.

The District shall not be obligated to pay for a student's correspondence courses.

Cross Reference:	2410 and 2410P	High School Graduation Requirements
Legal Reference:	§ 20-7-116, MCA	Supervised correspondence study

Adoption Date: August 14, 1994
Revision Date: March 11, 2004

Bigfork School District #38

INSTRUCTION 2171

Significant Writing Program

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

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

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38

INSTRUCTION 2220

School Calendar

The Board shall annually approve the adoption of the school calendar for the forthcoming school year. The Superintendent shall develop and recommend a calendar. He/she may consult with the Instructional Forum. The following will be considered:

- Applicable state statutes governing the required school days and hours per school year
- Mandatory state and federal holidays
- Calendars of local school, education service cooperatives, and post secondary institutions
- District in-service – PIR days

Legal Reference: 20-1-300, MCA School Terms and Holidays

Adoption Date: September 5, 1996

Revision Date: April 1, 2004
January 14, 2015

Bigfork School District #38

INSTRUCTION 2221

School Closure

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

Cross Reference: Board Policy 8111, Emergency Routes and Schedules
Legal Reference: 20-9-801-803 Emergency School Closure

Adoption Date: August 14, 1994
Review Date: March 11, 2004

Bigfork School District #38 **R**

INSTRUCTION **2250**

Community and Adult Education

Efforts may be made to use public school facilities and resources, realizing that education is a lifelong process involving the whole community. The District may make its resources available to everyone within the limits of budget, staff, and classroom space. Daytime and/or evening use of classrooms, shops, and labs should be encouraged provided there is no interference with or impairment of the regular school program. Course offerings may be developed in cooperation with community representatives.

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

Policy History:
Adopted on: 08/14/1994
Revised on: 03/11/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2309**

Library Materials

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

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

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

Cross Reference:	1700	Uniform Complaint Procedure
	2314	Learning Materials Review
Legal Reference:	§ 20-4-402(5), MCA	Duties of district superintendent or county high school principal
	§ 20-7-203, MCA	Trustees' policies for school library
	§ 20-7-204, MCA	School library book selection

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2310**

Selection of Library Materials

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

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

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

The District superintendent is responsible for selection of library materials. Ultimate responsibility for the selection of library materials rests with the Board of Trustees, School District #38.

The library materials selection process is delegated to the school principal and librarian. Any materials in questions can be reviewed by the Superintendent and Board of Trustees using Policy 1700.

Legal reference:	§ 20-4-402(5), MCA	Duties of district superintendent or county high school principal
	§ 20-7-203, MCA	Trustees' policies for school library
	§ 20-7-204, MCA	School library book selection
	Library Bill of Rights	
	American Library Association	

Policy History:
Adopted on: 08/14/1994
Revised on: 04/22/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2310P**

Selection of Library Materials

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

Weeding

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

Discarded materials will be clearly labeled discard:

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

Gifts

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

Procedure History:
Promulgated on: 04/22/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION **2311**

Instructional Materials

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

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

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

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

Cross Reference:	2314 Learning Materials Review	
Legal Reference:	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	§ 20-7-601, MCA	Free textbook provisions
	§ 20-7-602, MCA	Textbook selection and adoption
	10.55.603(4)(b), ARM	Curriculum and Assessment

Policy History:
Adopted on: 04/22/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38

INSTRUCTION 2311P

Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

Selection and Adoption

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

- be congruent with identified instructional objectives;
- present more than one viewpoint on controversial issues;
- present minorities realistically;
- present non-stereotypic models;
- facilitate the sharing of cultural differences;
- be priced appropriately.

Removal

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

Promulgated on: April 22, 2004

Bigfork School District #38 **R**

INSTRUCTION **2312**

Copyright

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

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

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

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

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

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

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

Policy History:
Adopted on: 08/14/1994
Revised on: 04/05/2001
First reading on: 10/13/21
Second reading on: 11/10/21

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Copyright Compliance

Authorized Reproduction and Use of Copyrighted Material in Print

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

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

1. Brevity

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

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

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

   Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

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Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

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

Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy or three digital copies of:

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

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

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

Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

Teachers may:

- Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;
- Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song;
- In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.
- Make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal;

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- Make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and,
- Edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

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

Performances of nondramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided that:

- The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and,
- Admission fees are used for educational or charitable purposes only.

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

Recording of Copyrighted Programs

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

USE OF INFORMATION RESOURCES REGULATION

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

After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the 10 day period.

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Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Authorized Reproduction and Use of Copyrighted Computer Software

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

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a back-up copy that will be used for replacement purposes only;
- A copy of the software license agreement shall be retained by the*, [board secretary, technology director or teacher-librarian - choose all that apply or add others]*; and,
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

Fair Use Guidelines for Educational Multimedia

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

USE OF INFORMATION RESOURCES REGULATION

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

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

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.

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The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

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

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

Procedure History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Checklist for Fair Use

Please complete and retain a copy of this form
in connection with each possible "fair use" of a copyrighted work for your project.

Name: _____ Date: _____

Institution: _____ Project: _____

PURPOSE

Favoring Fair Use	*Opposing Fair Use*
☐ Teaching (including multiple copies for classroom use)	☐ Commercial activity
☐ Research	☐ Profiting from the use
☐ Scholarship	☐ Entertainment
☐ Nonprofit Educational Institution	☐ Bad-faith behavior
☐ Criticism	☐ Denying credit to original author
☐ Comment	
☐ News reporting	
☐ Transformative or Productive use (changes the work for new utility)	
☐ Restricted access (to students or other appropriate group)	
☐ Parody	

NATURE

Favoring Fair Use	*Opposing Fair Use*
☐ Published work	☐ Unpublished work
☐ Factual or nonfiction based	☐ Highly creative work (art, music, novels, films, plays)
☐ Important to favored educational objectives	☐ Fiction

AMOUNT

Favoring Fair Use

- ☐ Small quantity
- ☐ Portion used is not central or significant to entire work
- ☐ Amount is appropriate for favored educational purpose

Opposing Fair Use

- ☐ Large portion or whole work used
- ☐ Portion used is central to work or "heart of the work"

EFFECT

Favoring Fair Use

- ☐ User owns lawfully acquired or purchased copy of original work
- ☐ One or few copies made
- ☐ No significant effect on the market or potential market for copyrighted work
- ☐ No similar product marketed by the copyright holder
- ☐ Lack of licensing mechanism

Opposing Fair Use

- ☐ Could replace sale of copyrighted work
- ☐ Significantly impairs market or potential market for copyrighted work or derivative
- ☐ Reasonable available licensing mechanism for use of the copyrighted work
- ☐ Affordable permission available or using work
- ☐ Numerous copies made
- ☐ You made it accessible on Web or in other public forum
- ☐ Repeated or long term use

Prepared by Copyright Management Center
Indiana University

Bigfork School District #38 **R**

INSTRUCTION **2314**

Learning Materials Review

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 04/22/2004
First reading on: 10/13/21
Second reading on: 11/10/21

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Bigfork School District

INSTRUCTION 2315

Technology Resources – Instructional Television (Movies/Videos/DVDs)

It is the policy of the District that there is educational value in utilizing movies, videos, and DVDs in the classroom only when the content of such movies, videos, or DVDs represents an essential part of Board approved curriculum. This policy applies to both instructional and non-instructional (entertainment) videos, movies, or DVDs.

Selected non-instructional or entertainment videos/DVDs may have educational merit and are allowed for the age groups and ratings as follows:

Grade levels K-8 – Ratings G and PG (with parental permission)
Grade levels 9-12 – Ratings G, PG, PG13

DVDs and videos that are rated R or NC17 are not approved and are not to be shown in classrooms, any District facility, or at any school sponsored activity (this includes buses and motel accommodations). Principals are authorized to allow an exception to the above by approving selected excerpts from PG13 or R rated movies under the following criteria:

- The excerpt provides clear instructional support for the curriculum being taught.
- The excerpt is determined to be age appropriate.
- The excerpt does not violate any other District policy or ethical standard.
- Parents are notified

All non-instructional videos, movies, and DVDs must have advance approval of the school principal.

Copyright Requirements

The Federal Copyright Act (Title 17, USC) stipulates that neither the rental or purchase of a video cassette or DVD carries with it the right to use the movie outside the home.

The “Fair Use” provision of the copyright act does allow the exhibiting of copyrighted video cassette or DVDs in schools under the circumstances:

- A teacher is in attendance and;
- The showing takes place in a classroom setting and;
- The movie is used as an essential part of the current curriculum being taught.

Use of non-instructional video cassettes or DVDs under any other circumstance in a school setting is prohibited.

Policy Reference: 2311 Selection and adoption of Instruction Material
2312 Copyright

Legal Reference: Federal Copyright Act, Title 17 USC
PL 94-553, 90 Stat. 2541

Policy History
Adoption Date: 11/1/2006

Bigfork School District #38

INSTRUCTION 2320

Field Trips, Excursions, and Outdoor Education

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

Out of state field trips must be approved in advance by the Board. Overnight, in-state field trips must have advance approval of the Superintendent. Building principals have the authority to approve all other field trips.

Building principals shall develop procedures for the operation of a field trip. Each field trip must be integrated with the curriculum and coordinated with classroom activities, which enhance its usefulness.

No staff member may solicit students during instructional time for any privately arranged field trip, or excursion without Board permission.

Adoption Date: April 22, 2004
Revision Date: March 23, 2006

Field Trips, Excursions, and Outdoor Education Request Form 2320F

Class/Group _____

Staff member in charge: _____

Supervision (chaperones): _____

Date of Trip: _____ Destination: _____

Departure Time: _____ Return Time: _____

Transportation method: _____ Transportation Dept has been notified: __ yes __ no
If needed, bus or van is available ____ yes ____ no

Instructional Objectives: 1) _____

2) _____

3) _____

4) _____

Pre learning activities: 1) _____

2) _____

Post learning activities: 1) _____

2) _____

Is this an overnight activity? _____ Is this an out-of-state activity? _____

Proposed itinerary (attach additional pages as needed):

Estimated Cost (including travel): _____

Housing: _____

Funding Source: _____
(All money must be turned in to the office before trip departure.)

Submitted by _____ date: _____

Principal approval (all trips) _____ Superintendent approval (overnight trips) _____
Board of Trustee approval (out of state trips) _____

Copy of final approval to be sent to Transportation Department. Adopted 3/23/2006

Field Trips, Excursions, and Outdoor Education

Field trips are defined as travel away from school premises, under the supervision of a teacher of an approved course of study, for the purpose of affording students a direct learning experience not available in the classroom. Parents may drive on day field trips.
Day and Overnight field trips require administrative approval. With exceptions as noted elsewhere in this procedure, out-of-state field trips must have specific approval from the Board of Trustees. All travel will be provided by the district or by commercial carrier except as noted elsewhere in this policy.

The following procedures shall apply:

Day Field Trips

1. Staff member requesting a one-day field trip shall submit a completed field trip request form to the principal at least one week prior to the field trip. This form shall include a list of instructional objectives as well as a list of pre and post learning activities. The principal will approve the field trip based on his/her assessment of the cost/benefit of the trip.

2. The sponsoring staff member is responsible to coordinate all activities related to the field trip. This includes ordering and confirmation of the bus through the Athletic Director, contact with the site to insure maximum learning opportunities, assessing all activities related to the site for safety, and for providing adequate supervision.

3. Adequate supervision will typically be defined in the elementary school as one adult supervisor for every ten students. At the junior and senior high, at least two adult supervisors will be provided for each bus except with fewer than 25 students only one adult supervisor is required.

Overnight Field Trips

1. Staff members requesting overnight field trips must submit a written plan to the principal, including purposes of the trip, supervision, proposed

itinerary, estimated cost, housing and funding sources. This plan must be submitted at least six weeks prior to the proposed date of the trip and before the trip is discussed with students or parents. Board approval is required for all Out-of-State trips.

2. If students are housed in private homes, they are to be assigned in those homes in pairs or in threes. If any transportation such as to and from a private home is provided by private automobile, such arrangements must be noted on a form signed by the parents which gives permission for the son or daughter to travel in these private automobiles.

3. After approval by the principal, the proposal should be submitted to the Superintendent for his/her approval of at least four weeks prior to the date of the trip.

4. The approval of the trip will depend on the amount of school time lost, value of the learning objectives, and planning, organization and supervision of trip.

Out-of-State Trips

While the District recognizes the importance and value of some out-of-state trips, it also recognizes the necessity of funding the regular instructional programs first. The District believes that, in general, out-of-state trips for organized clubs and activities should not be paid from District funds. Groups may elect to participate in fund-raisers to cover costs. The District does not fund the attendance of individual student's attendance at any out-of-state activity.

Exceptions to the above will be as follows:

1. When a group, individual or organization submits through the regular budget building process, requests for an out-of-state trip, that request will be given consideration as for any other budget item.

2. When an activity group or school club is, through competition, able to qualify for out-of-state competition, and when there's no possible method that the group could, due to time constraints, raise funds, that activity may be funded from the general fund budget when funds are available at the discretion of the superintendent.

The following will be considered in determining the approval of out-of-state trips:

Whether the trip

- is an extension of the academic program or is solely extra-curricular in nature

- is the result of successful competition at the local or state level

- is a logical stepping stone of local competition

- is something directly related to the instructional process

- causes minimal loss of school time

- costs are within available budgets

Promulgation Date: November 5, 1996

Bigfork School District #38

INSTRUCTION 2322

Contests for Students

Contests may be made available to students by outside organizations through the schools, subject to certain limitations. The Administrator shall determine that the contest is not in conflict with nor will it diminish the primary educational aims of the schools and that it meets the needs and interests of students.

The schools shall confine their participation to those national contests which are currently placed on the approved list published annually by the Committee on National Contests and activities of the National Association of Secondary School Principals.

A state or local contest in which students participate shall be:

1. One that supplements and does not interfere with the regular school program.

2. One that is beneficial to youth in education, civic, social, or ethical development.

3. One that makes it possible for individual students to work out contributions by their own efforts and does not invite dishonest collaboration.

4. One whose subject is not commercial, controversial, sectarian, or concerned with propaganda. It must emphasize high moral standards, good citizenship, and intellectual competence.

5. One from which no contestant shall be excluded because of race, color, creed, sex, or payment of entry fee.

6. One which does not place an undue burden on students, teachers, or the school nor require frequent or lengthy absence of participants from the school.

7. One sponsored by an organization engaged in a creditable or acceptable enterprise, regardless of kind or amount of prizes offered. The contest or activity must not be used as a “front” for advertising a company name or product.

Contests will not be allowed unless they further the educational goals of the District.

Adoption Date: April 22, 2004

Instruction

Flag Display

The District ensures an American flag manufactured in the United States measuring approximately 3 feet by 5 feet be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. The Superintendent is encouraged to work with civic groups to acquire flags through donation, and this requirement is waived if the flags are not provided by a civic group.

Legal Reference: Section 20-3-324 (24), MCA

Adopted Date: August 14, 1994
Revision Date: April 22, 2004
January 14, 2015

Controversial Issues and Academic Freedom

Controversial issues include matters characterized by significant differences of opinion, usually generated from differing and underlying values, beliefs, and interests, which produce significant social tension. Controversy arising from such differences is inherent in a pluralistic society. An important function of public education is to provide students with an understanding of how controversial issues are dealt with in a democracy. This includes the opportunity to learn about the issues, problems, and concerns of contemporary society; to form opinions; and to participate in discussion of these issues and expressions of opinion in the classroom.

Teachers must adhere to the following guidelines when teaching about controversial issues and act in conformance with state law and other district policies.

- Instruction must follow approved curriculum and be appropriate for students. Instruction that involves controversial issues and/or materials must be within the district content standards and curriculum. The overriding educational purpose of teaching about controversial issues or using controversial materials must be student achievement in the academic subjects and students' civic development, rather than reaching conclusions as to the correctness of any particular point of view. The instruction must reflect due consideration of the maturity of the students, the values of the community, sound professional judgment, and coordination with the administration.

- Guidelines on present controversial issues. Where controversial issues are taught, teachers should make materials available to students concerning the various aspects of the issues. Teachers may express their own viewpoints and opinions; however, they must be professionally ethical, explain their reasons clearly, be open to challenge, and present each side of an issue impartially. When teaching about controversial issues, teachers must work cooperatively with their principal and other administrators.

- Use of learning resources. Teachers may not use learning resources that are not approved by the district and that are controversial because of the manner or context in which they discuss controversial issues. Examples of such material include, but are not limited to, those that depict explicit sexual conduct, graphic violence, profanities, drug use, or other socially undesirable behaviors, or materials that are likely to divide the community along racial, ethnic, or religious lines. If a teacher has a question as to whether a resource is controversial, he or she should contact the principal.

- Discipline for inappropriately teaching controversial issues. In matters relating to controversial issues and learning materials, the Superintendent and Board of Education will exercise final authority in deciding whether discussion of a controversial issue follows established professional ethics, content standards, and curriculum and is appropriate for students. If the Superintendent and/or board believe that a teacher is not following the above guidelines, appropriate penalties and discipline will result, up to and including termination of a teacher's employment.

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

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

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

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

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

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

Policy History:
Adopted on: 04/22/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38

INSTRUCTION 2332

Religion and School Activities

Instructional Program

The instructional program of the District shall respect the right of each individual's belief. Any discussion or study of religion or other beliefs shall be offered in a fair and objective manner, consistent with learning objectives and must be free from sectarian or denominational influence.

Employees of School District #38 shall refrain from taking advantage of their position to proselytize any student in any manner on School District property, and shall conform to all related constitutional and statutory requirements.

Any religious activity that is disruptive to the educational environment of the school is not permitted.

Release Time for Religious Instruction

The district may provide for a religious instruction released time program under which a pupil may be released upon written request of the parent(s) or guardian(s) except that no such program shall take place in public school property. Such written request must be renewed annually. The board or its designee will determine the amount of time that any pupil will be released for religious instruction. Such release shall not adversely affect the pupil's attendance.

Legal Reference:
Art XI, Sec. 5, Montana Constitution - Freedom of Religion
Art X, Sec. 2, Montana Constitution - Nondiscrimination in education
20-1-308, MCA Religious Instruction released time program

Adoption Date: September 20, 2001
Revision Date: April 22, 2004

Bigfork School District #38 **R**

INSTRUCTION **2333**

Participation in Commencement Exercises
Statement of Policy

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

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

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

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

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

> *Any presentation by participants of graduation exercises is the private expression of an individual participant and does not necessarily reflect any official position of the District, its Board, administration, or employees, nor does it necessarily indicate the views of any other graduates.*
>
> *The Board recognizes that at graduation time and throughout the course of the educational process, there will be instances when religious values, religious practices, and religious persons will have some interaction with the public schools and students. The Board, while not endorsing any religion, recognizes the rights of individuals to have the freedom to express their individual political, social, or religious views.*

Legal Reference:	Art. II, Sec. 5, Montana Constitution - Freedom of religion	
	Art. X, Sec. 1(2), Montana Constitution – Educational Goals and Duties	
	Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education	
	§ 20-5-201(3), MCA	Duties and Sanctions
	§ 20-1-308, MCA	Religious instruction released time program
	§ 20-7-112, MCA	Sectarian publications prohibited and prayer permitted

Policy History:
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38 **R**

INSTRUCTION 2335

Health Enhancement

Health, family life, and sex education, including information about parts of the body, reproduction, and related topics, will be included in the instructional program as appropriate to grade level and course of study. An instructional approach will be developed after consultation with parents and other community representatives. Parents and guardians may ask to review materials to be used and may request that their child be excluded from human sexuality education or instruction class sessions without prejudice in accordance with Policy 3120. The District will notify parents and guardians 48 hours prior to any event, assembly, or introduction of materials for instructional use on the topic of human sexuality. Notification of parent or guardian rights under this policy will be issued on an annual basis.

For purposes of this Policy, "human sexuality education or instruction" means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities.

AIDS Education and Prevention

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

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

Cross Reference:	Policy 3120 – Compulsory Attendance	
	Policy 2332 – Student and Family Privacy Rights	
	Policy 2158 – Family Engagement	
Legal Reference:	§§ 50-16-1001, et seq., MCA	AIDS Education and Prevention (AIDS Prevention Act)
	§ 20-7-120, MCA	Excused Absences from Curriculum Requirements

Policy History:
First reading on: 11/15/22
Second reading and Adopted on: 12/14/22

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Policy 2335F1 - Human Sexuality Instruction Annual Notice

Dear Parent/Guardian,

The Bigfork School District is providing a notice that is required under the provisions of Senate Bill 99, which the 2021 Legislature passed, and Governor Gianforte signed into law. The operative section of law governing this notice is Section 20-7-120, MCA , which provides as follows:

> **20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.** (1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103.
> (2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or assembly at which the district provides human sexuality instruction, whether introduced by school educators, administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.
> (3) A school district shall annually notify the parent or guardian of each student scheduled to be enrolled in human sexuality instruction in the district or school in advance of the instruction of:
> (a) the basic content of the district's or school's human sexuality instruction intended to be taught to the student; and
> (b) the parent's or guardian's right to withdraw the student from the district's or school's human sexuality instruction.
> (4) A school district shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection prior to the use of the materials in actual instruction.
> (5) A school district or its personnel or agents may not permit a person, entity, or any affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.
> (6) For purposes of this section, "human sexuality instruction" means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities.

This notice is being provided comprehensively and in advance of the school year, also well in advance of the minimum notice of 48 hours prior to instruction to ensure full transparency and to provide a parent/guardian the right to opt their child out of “human sexuality instruction” as defined in (6) of the law above.

Courses and Related Activities Where the Topic of Human Sexuality Instruction Could Arise:

The district has four categories of activities that involve human sexuality instruction as defined in the law.

1. **Health Enhancement Curriculum:** The first category consists of designated courses involving human sexuality instruction that are part of our health curriculum. Although none of these courses are exclusively devoted to human sexuality instruction, the topic of human sexuality does arise in the typical course delivery at various times.
    a. Health, 6-12

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2. **Other Courses:** The second category consists of other courses where topics related to or involving human sexuality instruction arise incidentally through addressing topics germane to the course and consistent with accreditation standards. These courses include but are not limited to science and literature.
    a. English/Reading, 6-12
    b. History 10-12, including Government
    c. Social Studies, 7-8
    d. Science, 6-12
3. **Other Services Provided by Designated Staff:** The third category consists of student-initiated inquiries of school district staff that, in order to address, may involve human sexuality as defined in law. Typical staff involved in these interactions include but are not limited to librarians, counselors, and school nurses. Inquiries will be addressed on an age-appropriate basis using the professional judgment of licensed, certified, or otherwise authorized school personnel.
4. **Special Events and Student Assemblies:** The fourth category consists of special events and student assemblies periodically scheduled that touch on topics of student health and which may involve incidental mention of topics related to human sexuality instruction as defined in the law. The following are dates and times when such assemblies are scheduled during the upcoming school year:
    a. Growth and Development, Flathead County Health Department, 5th Grade

Notice of Your Rights:

As a parent/guardian of a student, you have the right to refuse to allow your child to attend or withdraw your child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to Section 20-5-103, MCA. You can opt your child out of human sexuality instruction by providing the school district written notice by completing, signing, and submitting the attached form.

Links to Materials:

The following link will provide you access to the following:

1. The basic content of the district's or school's human sexuality instruction; and
2. All curriculum materials used in the district's human sexuality instruction.

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Human Sexuality Instruction Opt-Out Form
For _____ School Year

A family who does not want their student to receive human sexuality instruction at school may request to opt out of such instruction by completing this form.

I, _____, Parent or Guardian of, _____ a student enrolled at _____School District, request my student not receive human sexuality instruction for the duration of the _____ school year in a manner consistent with the excused absence methods identified by the School District as specified in Section 20-5-103, MCA.

I understand my student will not attend any courses, special events, student assemblies where human sexuality instruction occurs. I also understand my student will not receive any services from school district staff regarding human sexuality instruction that may include but are not limited to individual services from teachers, librarians, nurses, or counselors that may related to human sexuality. A student seeking such services will be redirected to the parent in accordance with the decision noted on this form.

I acknowledge I have received notification of my rights in this area under Section 20-7-120, MCA, and have been provided an opportunity to review related information and materials on this topic.

I may withdraw this opt out in writing at anytime.

_____ _____
Parent Date

Received by:

_____ _____
School Official Date

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Policy 2335F2 - Human Sexuality 48 Hour Notice
For Unanticipated Introduction of Human Sexuality Instruction Not Addressed in Annual Notice

Dear Parent/Guardian,

The Bigfork School District is providing a notice that is required under the provisions of Senate Bill 99, which the 2021 Legislature passed, and Governor Gianforte signed into law. The operative section of law governing this notice is Section 20-7-120, MCA which provides as follows:

> **20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.** (1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to **20-5-103**.
> (2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or assembly at which the district provides human sexuality instruction, whether introduced by school educators, administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.
> (3) A school district shall annually notify the parent or guardian of each student scheduled to be enrolled in human sexuality instruction in the district or school in advance of the instruction of:
> (a) the basic content of the district's or school's human sexuality instruction intended to be taught to the student; and
> (b) the parent's or guardian's right to withdraw the student from the district's or school's human sexuality instruction.
> (4) A school district shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection prior to the use of the materials in actual instruction.
> (5) A school district or its personnel or agents may not permit a person, entity, or any affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.
> (6) For purposes of this section, "human sexuality instruction" means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities.

This notice is being provided to inform you of human sexuality instruction that was not specifically addressed in the annual notification you previously received. The law states if the school is implementing or maintaining a curriculum, providing materials, or holding an event or assembly at which the district provides human sexuality instruction, whether introduced by school educators, administrators, or officials or by guests invited at the request of the school, the school shall provide parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.

Notice of Your Rights:

This notice is intended to inform parents that the following course or event is going to provide instruction or information on human sexuality: _____.

The nature of the instruction or information is as follows: _____

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As a parent/guardian of a student, you have the right to refuse to allow your child to attend or withdraw your child from the above-noted course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to Section 20-5-103, MCA.

You can opt your child out of human sexuality instruction by providing the school district written notice by completing, signing, and submitting the attached form prior to the date identified in the above-notice.

Human Sexuality Instruction Opt-Out Form
48 Hours Advance Notice of Course or Event

A family who does not want their student to receive human sexuality instruction for a newly introduced curriculum, material, or event not previously addressed in the provided annual notice at school may request to opt out of such instruction by completing this form.

I, _____, Parent or Guardian of, _____ a student enrolled at _____School District, request my student not receive human sexuality instruction during _____ a course or event to be held on_____. This request will be handled in a manner consistent with the excused absence methods identified by the School District as specified in Section 20-5-103, MCA.

I understand my student will not attend any courses, special events, student assemblies where human sexuality instruction occurs. I also understand my student will not receive any services from school district staff regarding human sexuality instruction that may include but are not limited to individual services from teachers, librarians, nurses, or counselors that may related to human sexuality. A student seeking such services will be redirected to the parent in accordance with the decision noted on this form.

I acknowledge I have received notification of my rights in this area under Section 20-7-120, MCA, and have been provided an opportunity to review related information and materials on this topic.

I may withdraw this opt out in writing at any time.

_____ _____
Parent Date

Received by:

_____ _____
School Official Date

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Bigfork School District #38

INSTRUCTION 2337

Tobacco Free/Smoke Free District

District #38 prohibits the possession, use, or distribution of cigarettes, tobacco, nicotine, or any other tobacco innovation on school premises or as a part of any school sponsored activity by all students enrolled in the Bigfork Schools.

Adult employees of the district may not use cigarettes, tobacco, nicotine, or any other tobacco innovation on the school premises during their working hours. Smoking is prohibited at all times in school buildings and school vehicles.

The District is committed to the development of educational programs which emphasize prevention and nonuse. Use by students on campus will result in referral for prosecution and progressive discipline starting with a Level I Suspension, and if necessary, disciplinary action up to and including expulsion.

The Superintendent shall develop procedures to implement this policy.

Cross Reference: Board Policy 5225 - Personnel

Legal Reference: 41-5-203, MCA

Adoption Date: January 4, 1996
Revision Date: February 14, 2001
January 14, 2015

High School Graduation Requirements

Each student who has successfully completed an instructional program appropriate to his/her interests and needs shall be awarded a diploma at graduation ceremonies. The Board shall award a regular high school diploma to every student enrolled in the District who meets the requirements of graduation established by the District. The official transcript will indicate the specific courses taken and level of achievement.

The Board shall establish graduation requirements, which as a minimum satisfy those established by the Board of Public Education (10.55.904 & 905). Generally, any change in graduation requirements promulgated by the Board will become effective for the next class to enter 9th grade. Exceptions to this general rule may be made where it is determined by the Board that the proposed change in graduation requirements will not have a negative effect on students already in grades 9-12.

A unit is defined as 225 minutes or more of instruction/week (250 minutes for subjects requiring laboratory work) for one year. The Board shall approve graduation requirements as recommended by the Superintendent.

To graduate from Bigfork High School, a student must have satisfactorily completed the last quarter prior to his/her graduation as a Bigfork High School Student. Highly unusual exceptions may be considered by the principal, such as a student exchange program in a recognized school.

The Superintendent shall develop procedures for implementing this policy which include:

1. Recommending course and credit requirements, which satisfy the Board of Public Education requirements and recognize the desires of the citizens of the District.

2. Making graduation requirements available in writing to students, parents and members of the public.

3. Providing for a waiver of graduation requirements for an individual student in conforming with 10.55.906(3).

4. Granting credit for learning experiences conducted away from school, including National Guard high school career training.

5. Granting credit for correspondence and/or college courses.

6. Counseling of students to know what is expected of them for completion of their schooling.

7. Preparing a list of students for the information of the Board and release to the public.

8. Preparing suitable diplomas for graduating seniors.

9. Planning and executing graduation ceremonies.

A student who possesses a handicapping condition shall satisfy those competency requirements, which are incorporated into the Individualized Education Program (IEP). Satisfactory completion of the objectives incorporated into the IEP shall serve as the basis for determining completion of a course.

A student may be denied participation in graduation ceremonies. Such exclusion shall be regarded as a school suspension. In such instances, the diploma will be awarded after the official ceremony has been held.

Graduation requirements will be as follows:

General Diploma 1 unit = 1 credit

4 units of English
3 units of Math
2 units of Science (one of which must be a lab science)
3 units of Social Studies
- U.S. History
- U.S. Government/Economics
- World History

1 unit of Physical Education
.5 unit of Health
6.5 units of Elective Classes
1 unit of Fine Arts
1 unit of Vocational Education
1 unit of Freshman Experience

23 units will be required for graduation

Honors Graduation Requirements

4 units of English
4 units of Math- Algebra 1, Geometry, Algebra II or higher
3 units of Science- Earth Science, Biology, Chemistry or Physics or Anatomy or higher
The rest is the same as general diploma requirements

25 total units will be required for graduation

Class of 2027 and beyond (starts with 2024-25 Sophomore class)

Cumulative GPA of 3.5 or higher

Valedictorian and Salutatorian can only come from the Honors Diploma

In addition:

a. Handicapped students who successfully complete their Individual Educational Program (IEP) will be granted a general diploma.

b. Students transferring into Bigfork High may have some local requirements waived if necessary and approved by the Bigfork High School Principal.

Bigfork Digital High School Graduation Requirements

A student's digital educational program must meet the graduation requirements of the general diploma. Correspondence courses offered through the Montana Digital Academy (MTDA) and Virtual High School (VHS) will serve as the primary courses approved. The MTDA and VHS courses may be substituted per approval under Board Policy 2167, at the discretion of the principal who shall ensure equivalent course content.

The student seeking to fulfill the Bigfork Digital High School graduation requirements must first discuss his/her plans with the school counselor. The counselor will meet with the student and the student's parent(s) or guardian(s) to review available MTDA/VHS course offerings. The completed graduation course schedule and online registration confirmation will be submitted to the principal.

Bigfork Digital High School students must pay an administrative fee per school year before enrollment begins. Families may petition the High School Principal for a hardship scholarship. This administrative fee is non-refundable.

Cross Reference:	3300	Corrective Actions
	2167	Correspondence Courses
	2130	Program Evaluation
Legal Reference:	20-5-201, MCA	Duties and Sanctions
	20-7-115, MCA	Private Music Instruction
	10.55.412(2-6), ARM	Basic Instruction Program
	10.55.410(4), ARM	Special Education: Minimum Requirements

Policy History:
First Reading on: June 10, 2026
Second Reading/Approved on: July 8, 2026

Bigfork School District #38

INSTRUCTION 2410P

High School Graduation Requirements

A student's educational program must meet the graduation requirements as defined in Board Policy 2410, High School Graduation Requirements. Required courses and programs are recommended by instructional staff and further defined in the Bigfork High School Student Guide compiled by the Guidance Department.

Correspondence courses may be approved for substitution of required classes under Board Policy 2167, Correspondence Courses, at the discretion of the principal who shall ensure equivalent course content.

Community college courses may be approved for elective credit at the discretion of the principal. For academic reasons, students may apply to substitute not more than one of the following courses required for graduation.

- English courses (Literature or Composition)
- Government
- Economics
- U.S. History
- World History
- Biology
- Earth Science
- Health
- Physical Education
- Algebra
- Pre-Algebra
- Geometry

Promulgated on: February 18, 2006
Revised on: March 23, 2011

Effective Date: Fall Semester 2006-2007

Bigfork School District #38

INSTRUCTION **2412**

Early Graduation

Students who demonstrate a high degree of ability, maturity, responsibility and who have either a medical or financial need or immediate post-high school educational plans may be considered for early graduation. All applicants for early graduation must meet the following requirements:

-Complete all graduation requirements of School District #38 (See Policy 2410, 2410P)

-Apply for early graduation by the last day of the first semester of junior year

-Students seeking to graduate in six semesters must apply for early graduation by the last day of the first semester of their Freshman year

-Successfully complete six semesters of high school

-Provide documentation of post-high school educational plans

-Arrange to complete ½ credit of senior English and ½ credit of senior American Government through Bigfork High School or an accredited correspondence program (must be approved by the high school principal prior to enrollment)

-Agree to forfeit all participation eligibility in MHSA sponsored activities & sports after sixth semester.

The student seeking early graduation must first discuss his/her plans with the school counselor. The counselor will meet with the student and the student's parent(s) or guardian to fill out a *PETITION FOR EARLY GRADUATION*. The completed form with student and parent (or guardian) signatures and the counselor's recommendation will be submitted to the principal.

The high school principal upon receiving the petition will form a committee of at least two of the student's current teachers who have had the student in class within the last semester. This committee will meet with the student and his parent(s) or guardian. The student will review post-high school plans with the committee. Following the meeting the committee will recommend or deny the petition.

Graduation diplomas will only be awarded at the Spring graduation ceremony.

Denials may be appealed to the Superintendent.

Procedure History:
Promulgated on: 11/04/1997
Revised on: 03/23/2011
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Credit Transfer and Assessment for Placement

Grades 9-12

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

The credit evaluation committee will:

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

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

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

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

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

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

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

Grades 1-8

Requests from parents of students in non-accredited, nonpublic schools for placement in the Bigfork Public School System will be evaluated by an assessment-for-placement team. That team will include:

1. A school principal;

2. One (1) teacher of the grade in which the student is being considered for enrollment; and

3. One (1) counselor or school psychologist.

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

1. Documentation that the non-accredited, nonpublic school has provided a comparable number of hours as the child would have attended in a public or private school;

2. That the child followed a similar curriculum as would have been provided in an accredited public or private school;

3. That the result of the end-of-the-year test indicates the student has mastered most prerequisite skills; and

4. That the child achieves a composite score in the average range or better on the Iowa Test of Basic Skills for the grade levels parents are requesting credit be given.

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

The District is not obligated to provide instructional materials for other public or private schools, but requests for materials will be accommodated to best of the District's ability.

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

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

Policy History:
Adopted on: 08/14/1994
Reviewed on: 03/24/2004
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Bigfork School District #38

INSTRUCTION 2420

Grading and Progress Reports

The District believes that the cooperation of school and home is a vital ingredient in the growth and education of the student and recognizes the responsibility to keep parents informed of student welfare and progress in school.

The issuance of grades and progress reports on a regular basis serves as the basis for continuous evaluation of the student's performance and determining changes that should be made to effect improvement. These reports shall be designed to provide information that will be helpful to the student, teacher, counselor and parent.

The District directs the Superintendent to establish a system of reporting student progress and shall require all staff members to comply with such a system as part of their teaching responsibility. Staff members, parents and teachers shall be involved.

Adoption Date: August 14, 1994
Review Date: March 24, 2004

Bigfork School District #38

INSTRUCTION 2420P

Grading and Progress Reports

The District believes that the cooperation of school and home is a vital ingredient in the growth and education of the student and recognizes the responsibility to keep parents informed of student welfare and progress in school.

The issuance of grades and progress reports on a regular basis serves as the basis for continuous evaluation of the student's performance and determining changes that should be made to effect improvement. These reports shall be designed to provide information that will be helpful to the student, teacher, counselor and parent.

The District directs the Superintendent to establish a system of reporting student progress and shall require all staff members to comply with such a system as part of their teaching responsibility. Staff members, parents and teachers shall be involved.

Adoption Date: August 14, 1994 Review Date: March 24, 2004

Grading and progress reports

The primary purpose of grades should be to communicate to the student and parents how well the student is achieving compared to a standard set by the school. What should be emphasized are high expectations within reason for every student. Additionally, students and parents must know what will be figured into the grade before the grading period begins.

The Northwest Regional Educational Laboratory recommends that grades be based on paper and pencil tests, quizzes, performance assessments and some assignments. It is further recommended that cutoffs for grades be set according to standards, not based upon a curve or improvement; also, it is recognized that achievement is not necessarily distributed normally on a fixed curve. Grades are only our best estimate of student achievement. With these precepts in mind, narrative, checklist or alternative reports determined by grade level teams are to be used in grades K – 3 K - 8 with a minimum of two parent/teacher conferences per year; thereafter, letter grades are to be assigned using the following criteria for assigning grades:

A "A" “SP: Superior Performance” grade should represent superior scholarship and superior knowledge acquisition. Students who earn an "A" “SP” must meet or exceed all course expectations for academic achievement. Unless a student demonstrates superior knowledge, a "A" “SP” grade is NOT to be utilized. Grade level and department standards shall determine what constitutes superior scholarship and knowledge acquisition. In performance courses such as art, chorus, band and shop, teachers should set standards that will motivate and challenge the best students. The primary consideration for an "A" “SP” grade must be superior ability and performance. Other factors such as hard work, completion of all course requirements, and some extra credit work should be expected of students vying for an "A" grade.

A "B" “P: Proficient” grade is a symbol of excellent scholarship and knowledge acquisition. Proficient students have consistently demonstrated mastery of grade level expectations. Extraordinary effort and other factors may be factored into a "B" grade.

A "C" “NP: Nearing Proficient” grade is a symbol of average approaching grade level scholarship and knowledge acquisition. This grade implies solid effort and basic achievement.

A "D" “N: Novice” grade is a symbol of below average grade level scholarship and minimal knowledge acquisition and acceptable effort.

A "F" “NE: No Evidence” grade is a symbol demonstrating no proof of learning. of unacceptable scholarship and unacceptable effort.

Student behaviors and work habits will be reported separately, and in addition to their acquisition of the content standards.

The academic challenging of students who possess scholarship capabilities above and beyond the acknowledged superior range is a responsibility of the individual classroom teacher. Individualized programs, which challenge these students, should be developed with the cooperation of Gifted and Talented personnel, school librarians, and community resources.

Grades for students in special services shall have an asterisk (*) designation, which denotes special considerations were used to determine the final grade. Grades with an asterisk will not be included for academic honors, but each school shall provide students with disabilities the opportunity to earn awards and honors reflecting student effort and achievement. A form for communicating student performance in below grade level programs may be attached to appropriate report cards.

Chapter students may compete for academic honors in courses not designated as below grade level. Grades in courses designated as basic or remedial shall not count toward academic honors. Each school shall provide the students in Chapter programs the opportunity to earn awards and honors reflecting student effort and achievement.

GRADE POINT AVERAGE - Grade point averages are to be computed for all students, grades 9 - 12. This is done by assigning value number to each grade:

A = 100 - 90 .....Superior scholarship
B = 89 - 85 .....Excellent scholarship
C = 79 - 70 .....Average scholarship
D = 69 - 60 .....Below average scholarship
F = 59 - 0 .....No credit given.....Unsatisfactory P = Achieved expected progress for the individual. Credit given with grade points.
W/F Withdrawal/Failing - withdrew from the course. Given after withdrawing from a course after the second week.

GRADE based on mastery of content standards - Grades are to be computed for all students, grades K - 8. This is done by assigning value to each grade:

SP = 4 .....Super Performance

P = 3 ..... Proficient
NP = 2 ..... Nearing Proficient N = 1 .....Novice
NE = 0 …….. No Evidence

Content mastery marks will reflect the most recent or consistent level of achievement.

Waivers may be granted under extraordinary circumstances upon approval of the teacher and principal.

Board Review Date: January 5, 1995
Ten-point scale approved by Trustees on 6/22/00

Adopted: October 23, 2013

Bigfork School District No. 38

INSTRUCTION 2421

Promotion/Retention

The Board is dedicated to total and continuous development of each student enrolled. Original placement of a child in a school shall be dependent upon the student's academic, social, and emotional abilities as well as chronological age. A student in the regular school program shall not be placed more than one grade level below or above that commensurate with his chronological age. Exceptions to this guideline require approval by parents, staff, and principal.

The District has academic standards that students must achieve at each grade level for promotion to the next grade. These standards, as prescribed for each grade level through the District scope and sequence, are identified in the course of study. In addition to these standards, test scores, grades, teacher-principal recommendations, and other pertinent data will be used to determine promotion.

Retention of students is a process that is followed when, in the judgment of the professional staff, it is in the best interest of the student. The primary grades are suggested as the most appropriate time for retention. However, retention may be considered at any grade level.

When facts indicate that retention is in the best interest of the student's academic progress, there must be close cooperation between the parents and all school personnel involved. Each child will have individual consideration, and decisions will be made only after a careful study of facts relating to all phases of the child's growth and development. The child's academic achievement level and mental abilities are important, but physical and social characteristics are also contributing factors. A decision should be based on sufficient data, collected over a period of time and motivated by a desire to place the child in the school program where he will be the most successful.

The superintendent is authorized to establish procedures to implement this policy.

Adoption Date: October 16, 2000

GRADE RETENTION
DISAGREEMENT NOTICE

This record confirms that school personnel met with me on _____, and recommended that my child, _____, be retained in the _____ grade for the _____ school year.

I disagree with the recommendation for retention and would like my child to be promoted to the _____ grade for the _____ school year. I further understand that the recommendation for retention is based on the professional opinion of school personnel and that they believe promotion is not in the best educational and personal interest of my child.

_____

Parent Signature Date

_____

Teacher Signature Date

_____

Administrator Signature Date

Procedure for Retention

At the end of the first grading period, each teacher should send to the principal a list of the students who are experiencing difficulty with the curriculum. At the first parent conference this must be shared with the parents and recorded in the child's cumulative folder. The teacher and the parent will discuss ways to assist the child in attaining expected achievement levels.

At the end of the second and subsequent grading periods, students, including new students who achieve below expected grade level standards, will be reviewed by the principal and his/her staff to consider retention. Parent conferences will be held to inform parents of the concern and to involve them in this process.

No decision for retention shall be made if prior actions have not included parent involvement, student counseling, and academic intervention programs such as tutoring or summer school.
The student has the option of attending summer school to remove academic deficiencies (see 2412P Guideline for Promotion).

Retention decisions shall be made by mid-May. The final recommendation to retain should be made by the teacher after consultation with the principal, and with input from other staff members as appropriate. Parent involvement in all steps of the retention process is vital. The parent may appeal the retention recommendation to the building principal by submitting the Grade Retention Disagreement Notice, Form 2421F to the principal.

The parent may appeal the decision to the Superintendent.

Promulgated: October 16, 2000

Guidelines for Promotion

A. Criteria

1. In grades kindergarten through fifth, the student shall be promoted if the student receives a teacher's recommendation for promotion. The teacher must base this recommendation on a student achieving in five out of the six criteria:

a. Classroom performance
b. Assignments, projects and tests
c. Attendance
d. Demonstration of mastery
e. Standardized achievement test
f. Age appropriate

2. In grades six through eight, the student shall be promoted if the student receives the school's recommendation for promotion. This recommendation is based on the student achieving in five out of the six criteria:

a. Grade point average
b. Successful completion of required subject areas
c. Attendance
d. Demonstration of mastery
e. Standardized achievement test
f. Age appropriate

B. Primary Language: Assessment of achievement may be in the primary language of the student.

C. Special Education: Students enrolled in a special education program must meet the course of study and graduation requirements of pupils enrolled in special education. Students placed in special education classes in grades K-12 are eligible to receive the standard certificate of promotion from eighth grade of the standard high school diploma without meeting state competency requirements, but reference to special education placement shall be noted on the student's transcript or permanent file.

D. Summer School: The district will offer a summer school program when the following criteria are met:

1. Sufficient student enrollment as determined by the Superintendent
2. Sufficient financial resources
3. Available, qualified staff

Students recommended for retention have the option of attending summer school to overcome academic deficiencies. Retained students who attend summer school will receive credit as earned for courses taken to remove academic deficiencies. Should sufficient credit not be obtained the student will be retained.

Bigfork School District #38

INSTRUCTION

Homework 2430

Homework is a constructive tool in the teaching/learning process when geared to the needs and abilities of students. Purposeful assignments not only enhance student achievement, but also develop self-discipline and associated good working habits. As an extension of the classroom, homework must be planned and organized, must be viewed as purposeful to the students, and should be evaluated and returned to students in a timely manner.

Teachers may give homework to students to aid in the students' educational development. Homework should be an application or adaption of a classroom experience, and should not be assigned for disciplinary purposes.

Adoption Date: April 22, 2004

Bigfork School District #38 **R**

INSTRUCTION **2450**

Recognition of Native American Cultural Heritage

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

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

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

- Developing curriculum in all grades and program areas that includes the following objectives

  - Take into account individual and cultural diversity and differences among learners. Cultural and language differences should be viewed as valuable and enriching resources taking into account the unique needs of American Indian students and other minority groups.
  - Develop an understanding of the values and contributions of Montana's American Indians for all students
  - Provide learning resources that are culturally relevant, inclusive, and current.
  - Provide books and instructional materials which reflect authentic and historical and contemporary portrayals of American Indians.

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

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

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

Policy History:
Adopted on: 05/03/2006
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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INSTRUCTION

SNACK GUIDELINES

Bigfork Elementary and Middle School
Fall 2004

Student stores and concession items will stock healthy foods and beverages to encourage students to make good food choices. Candy will not be used for classroom rewards. Exceptions may be made for birthday treats or special events/holidays. Suggested nutritious snacks are listed below:

Dairy/Protein Items

Low fat cheese sticks or cubes
Beef jerky sticks
Nuts and seeds
Trail mix
Lowfat yogurt
peanut butter/jelly mini-sandwich
hard boiled eggs

Grain-based Items

Undipped breakfast bars
Sports bars
Sun chips, baked chips, corn nuts
Pretzels, popcorn
Whole grain crackers
Bread sticks
Cheese and crackers
Baked tortilla chips with salsa
Bagels and cream cheese or peanut butter
Muffins (small)
Animal crackers, fig newtons
Chex mix
Whole grain breads or quick breads
Whole wheat cereal mixes

Beverages

Water
100% fruit juice
Low fat milk

Fruit-Vegetables
Fresh fruit or veggies w/dip
ex. apples with peanut butter
carrots with ranch
celery with peanut butter
grapes, strawberries, oranges
baby carrots
Dried fruit chips
Canned fruit cups
Raisins, craisins
Real fruit bars or leather

Frozen Items (if freezer is available)
Frozen yogurt
Juice bars

Eliminated
Candy
Carbonated beverages
Chips
Pastries
Cookies
Cakes
(Baked goods that are full of sugar and fats with no whole grains

These recommendations are brought to you by the Team Nutrition Program at Montana State University and the Bigfork Elementary and Middle School Nutrition Committee.

The Nutrition Committee meets every other Monday at 3:00 and welcomes your participation, questions and ideas. There will be a Nutrition PIR on October 5th, 3:30-6:30.

INSTRUCTION

SNACK GUIDELINES

Bigfork High School

Food in Nutritional Machine:

Nutri Grain Cereal Bars – Apple, Strawberry, & Blueberry
Nature Valley Chewy Granola – Oats & Honey, Strawberry yogurt, peanut butter
Western trail mix – Original and Tropical
Power Bars – Peanut butter, Berry and Chocolate
Planters – Sunflower seeds
Clif Bars – Chocolate Almond Fudge and Peanut Crunchy
Jimmy Dean Jerky – Original and Teriyaki
Baked Doritos – Nacho Cheese
Rold Gold Pretzels – Tiny Twist & Braided Twist
Sun Chips – French Onion & Regular
Chex Mix – Hot & Spicy and Bold & Zesty
Blue Diamonds – Almonds
Teddy Grahams
V8 & Spicy V8
V8 Splash – diet tropical & berry
Del Monte fruit cups
Kraft – Chocolate pudding
Dole – Jell-O with fruit
Tree Top – Pear, Peach, & Berry – 100% juice
Applesauce
Precious string cheese – Cheddar, Monterrey Jack, & Mozzarella
Low fat yogurt
Hershey's milk – 3 flavors
Lite popcorn

Purchased from lunchroom & sold for the same price:
Salads, veggie trays, & chocolate milk

Possible choices in the future:
Uncrustable sandwiches

School Wellness

The Bigfork School District #38 is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Bigfork School District that:

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

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

The suggested guidelines for developing the wellness policy include:

Nutrition Education and Nutrition Promotion

All students K-12 shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors and is aligned with the *Montana's Health Enhancement Society of Health and Physical Educators (SHAPE) Health Education and Physical Education Content Standards*. Nutrition education shall be integrated into the curriculum. Nutrition information and education shall be offered and promoted throughout the school campus and based on the U.S. Dietary Guidelines for Americans. Staff who provide nutrition education shall have the appropriate training, such as in health enhancement or family and consumer sciences.

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Health Enhancement and Physical Activity Opportunities
The District shall offer health enhancement opportunities. Health enhancement shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Health enhancement instruction shall be aligned with the *Montana's Health Enhancement and National Association of Sport and Physical Activity/American Alliance of Health, Physical Education, Recreation and Dance Physical Education Content Standards and Benchmarks.*

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

Nutrition Standards
The District shall ensure that reimbursable school meals and snacks meet the program requirements and nutrition standards found in federal regulations. The District shall encourage students to make nutritious food choices through accessibility, advertising and marketing efforts of healthful foods.

The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending, student stores, classroom rewards, fundraising efforts), by meeting the United States Department of Agriculture (USDA) Smart Snacks in Schools nutrition standards. Snacks provided to students during the school day without charge (e.g. class parties) will meet standards set by the district. The Superintendent shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

Other School-Based Activities Designed to Promote Student Wellness
The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity, such as staff wellness programs, non-food reward system and fundraising efforts.

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

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

Policy History:
Adopted on: 04/19/2006
First reading on: 10/13/21
Second reading/Adopted on: 11/10/21

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Early Childhood Education Enrollment Exceptional Circumstances

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

Prohibition: *This policy cannot be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.*

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

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

Exceptional Circumstances Present in the Community: To be used when in-district students or homeless students under the McKinney Homeless Assistance Act when the board of trustees wants to define exceptional circumstances applicable to the community's characteristics, as opposed to the individual characteristics of a particular student or sub-group of students.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for children under 6 years of age who are either 4 years of age or older on or before September 10 of the school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act._These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

1. The following circumstances exist within the community affecting student learning identified by the local board of trustees pursuant to Section 20-9-309(2)(h), MCA, and identified within federal law pursuant to Section 20-9-309(4)(a)(v), MCA, including but not limited to educational priorities identified within the Elementary and Secondary School Emergency Relief Fund established by American Rescue Plan Act, Public Law 117-2 and demonstrated by peer reviewed and academic studies on the impacts of community health crises:
    a. Anticipated learning loss resulting from a public health emergency or other community disaster.

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b. Basic literacy and numeracy are critical skills needed to advance learning and if not attained in the early grades, will put students at lifelong disadvantage in pursuing success in career and life.
c. Absence of available early childhood education opportunities in the community results in anticipated learning loss or lack of school readiness.
d. Cost prohibitive nature of early childhood education opportunities in the community results in disparity of access that contributes to anticipated learning loss or lack of school readiness.
e. Improved access to early childhood education opportunities in the community will encourage or expand parent entry into workforce and allow for further development of the community's economy.

The trustees shall annually review this policy based on changing circumstances pertaining to the criteria used for determination of the program. The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.

Legal Reference:	§ 20-4-101, MCA	Definitions
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-6-501, MCA	Definition of various schools
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined
	Article X, section 1, of the Montana constitution	
	Individual with Disabilities Act Federal Rehabilitation Act of 1973	
	National School Lunch Act (Public Law 396, 79th congress, chapter 281)	
	Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)	
	McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.	
Data/Study Reference:	Engzell, P., Frey, A. & Verhagen, M. D. "Learning loss due to school closures during the COVID-19 pandemic" *Proc. Natl Acad. Sci. USA* 118, e2022376118 (2021).	
	Melinda Wenner Moyer, "The COVID generation: how is the pandemic affecting kids' brains?", *Nature*, 10.1038/d41586-022-00027-4, 601, 7892, (180-183), (2022).	

Policy History:
First reading on: 4/13/22
Second reading/Adopted on: 4/25/22

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Entrance, Placement, and Transfer

Entrance, Date, and Age

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

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

The Trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision. Students enrolled by the Trustees under this provision shall find the student's exceptional circumstances:

(a) the child under 5 is determined by the trustees to be ready for kindergarten and the child's parents have requested early entry into the district's regular 1-year kindergarten program;

(b) the child under 5 is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to Title 20, chapter 7, part 18 and Policy 2165; or

(c) the adult is 19 years of age or older and in the trustees' determination would benefit from educational programs offered by a school of the district.

The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this Policy.

The trustees shall assign and admit a child who is enrolled in a nonpublic or home school and who meets the age and residency requirement of this policy on a part-time basis at the request of the child's parent or guardian consistent with the provisions of Policy 3150. A part time enrollee shall be calculated for purposes of ANB consistent with Policy 3121.

School Entrance

1.The District requires that a student's parents, legal guardian, or legal custodian present proof of identity of the child[1] to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141. For the purposes of this section "proof of identity" means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity.

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

3.The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation and ensure a student receives education services in the best interests of the child. The Superintendent or designee shall serve as point of contact with all applicable agencies to review records, facilitate services and resolve disputes.

Placement

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

Children of Relocated Military Families

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

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

Transfer

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

Elementary Grades (K-8)

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

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Secondary Grades (9-12) Credit Transfer

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

1. Appropriate certificates of school accreditation;
2. Length of course, school day, and school year;
3. Content of applicable courses;
4. School building as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction);
5. Appropriate evaluation of student performance leading toward credit issuance.

The District will follow Montana Accreditation Rules and Standards, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Superintendent or the Board.

Cross Reference:	3150	Part Time Attendance
	3121	Attendance and Enrollment
Legal Reference:	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization required – release and acceptance of immunization records
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	§ 44-2-511, MCA	School enrollment procedure
	10.16.3122, ARM	Local Educational Agency Responsibility For Students with Disabilities
	10.55.601, et seq., ARM	Accreditation Standards: Procedures
	Chapter 617 (2023)	Enrollment on Part Time Basis

Policy History:
First Reading on: 12/11/24
Second Reading/Adopted on: 1/15/25

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Bigfork School District #38

3112

STUDENTS

Admission of Resident Students Expelled From Other School Districts

Legally resident students who have been expelled from another school district or who have committed acts while enrolled in another school district which would have resulted in expulsion if committed while enrolled in this district, are subject to conditional admission requirements for a time period consistent with the term of the expulsion period. The building principal, subject to approval of the Superintendent, is authorized to offer an alternative educational placement to include, but not limited to, off campus services, alternative school attendance, tutorial services, and accredited correspondence or internet programs. Parents may appeal conditional admission requirements to the Board of Trustees.

Policy History:
Adoption Date: February 2, 1995
Revision Date: November 10, 2004

Bigfork School District #38 **R**

STUDENTS **3120**

Compulsory Attendance

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

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

The provisions above do not apply in the following cases:

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

Compulsory attendance stated above will not apply when children:

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

Legal Reference:	§ 20-1-308, MCA	Religious instruction 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

Policy History:
Adopted on: 11/03/1994
Reviewed on: 11/10/2004
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Enrollment and Attendance Records

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

A district may only include, for ANB purposes, any student who participates in pupil instruction as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20, including but not limited to an enrolled student who is:

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district, offsite instructional setting or remote instruction from the public schools of the district;

- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

- Unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

- Living with a caretaker relative under Section 1-1-215, MCA;

- Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student's services are provided at the district's expense under an approved individual education plan supervised by the district;

- Participating in the Running Start Program at district expense under Section 20-9-706, MCA;

- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;

- Enrolled in an educational program or course provided at district expense using remote instruction consistent with Policies 2050, 2168, and 2170. The student:
    - must meet the residency requirements for that district as provided in 1-1-215;
    - shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
    - attend school in the district must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or
      must be receiving remote instruction under 20-7-118(1)(c).

- A student enrolled on a part time basis consistent with Policy 3110, 3150, 3121P;

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- A student of the district completing work on a proficiency basis in accordance with Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;

- A student enrolled by the Board for exceptional circumstances as defined in applicable District policies and in accordance with Section 20-5-101, MCA.

- A student the child is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to Title 20, chapter 7, part 18 and Policy 2165 in a manner consistent with Section 20-9-311(3)(e), MCA;

- A student gaining credit for participating in a work-based learning program pursuant to Section 20-7-1510, MCA, and Policy 2600;

- A student participating in an "innovative educational program" as defined in Section 15-30-3102, MCA;

- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under Section 20-9-707, MCA; or

- A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under Section 20-9-707, MCA.

- A student with a disability who is over 19 years old but under 21years of age, has been enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools, if the following criteria are satisfied:

  • the student has not graduated;
  • the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and
  • the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

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

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

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

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

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

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

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

Homeless Youth and Foster Children

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

Cross References:	Policy 3510	School Sponsored Activities
	Policy 3150	Part Time Enrollment
	Policy 2600	Work Based Learning
	Policy 1010FE/3100	Early Enrollment for Exceptional Circumstances
Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-9-311, MCA	Calculation of average number belonging (ANB)
	§ 20-9-706, MCA	Running start program
	§ 20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-112, MCA	Participation in Extracurricular Activities
	§ 20-1-101, MCA	Definitions
	§ 20-3-324, MCA	Powers and Duties
	§20-7-1510, MCA	Credit for participating in work-based learning partnerships
	29 U.S.C. 794	Nondiscrimination under Federal grants and programs
	34 CFR 300.1, et seq.	Assistance to states for the education of children with disabilities
	Chapter 580 (2023)	- Remote Instruction
	Chapter 307 (2023)	– Transformational Learning

Policy History:

First Reading on: 12/11/24

Second Reading/Adopted on: 1/15/25

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STUDENTS

Enrollment and Attendance Records

Average Number Belonging

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

For a child to be counted for ANB purposes:

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

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

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

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

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

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

Homebound Students

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

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

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

c) Has instructional costs during the absence, which are financed by the District's general fund.

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If a homebound student does not meet the criteria set forth above, the District may request a variance through the Office of Public Instruction, for consideration of the student in the enrollment count for ANB purposes beyond the tenth (10th) day of absence.

Attendance Accounting

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

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

Legal Reference:	10.20.102, ARM	Calculation of Average Number Belonging (ANB)
	§ 20-1-101, MCA	Definitions
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) – three-year averaging

Procedure History:
Promulgated on: June 5, 2014
Reviewed on: June 11, 2014
Revised on:

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Bigfork School District #38

ATTENDANCE POLICY

General Provisions

Regular attendance is essential in order for students to receive maximum educational benefit from instructional activities. Parents are encouraged to limit their child's absences to those that are absolutely necessary. Excused absences are defined by statute and identified in this policy. All other absences are to be considered unexcused. Excessive unexcused absences or an excessive accumulation of excused and unexcused absences may result in a loss of course credit. Chronic absenteeism is disruptive to the classroom and may result in disciplinary action or reassignment from a current class. The Superintendent is authorized to establish procedures for the implementation of this policy.

Excused Absences

Excused absences are those permitted by statute or identified as appropriate by the Board of Trustees. Students are eligible to receive credit as earned for school work missed during the period of absence. The Building Principal is authorized to determine the validity of excused absences as defined in this section as follows:

- Illness
- Bereavement
- Family emergencies
- Medical appointments
- Participation in school activities
- Any other reason prescribed by policy adopted by the Board of Trustees

Truancy/Unexcused Absences

Absences which do not fall within the categories listed above are to be considered unexcused and constitute truancy. Truancy is also defined as any absence from school without prior knowledge or approval of the parent or Building Principal. Students are not eligible to receive credit for work missed during the period of unexcused absence unless prior arrangements are made and approved by the Building Principal.

In addition, truancy is further defined as any absence from school of a non-enrolled child subject to compulsory attendance under §20-5-102, MCA, Compulsory Enrollment and Excuses. Chronic truants will be reported to legal authorities as prescribed by law.

The Board will, upon recommendation from the Superintendent, consider an expulsion for chronic truants. The Building Principal is the designated attendance officer and authorized to enforce compulsory attendance requirements under the provisions of §20-5-104, MCA Attendance Officer; §20-5-105, MCA, Attendance Officer – Power and Duties; and §20-5-106, MCA, Truancy.

Parent (or Guardian) Responsibilities

It is the responsibility of the parent or guardian to assure their student attends school. When a student must be absent for illness or other unforeseeable emergencies, parents must inform the school during the morning of the absence that their student will not be in attendance. If a student is not present and the parent has not notified the school of the absence, the school will attempt to call the parent during that school day. If the school is not notified within twenty-four (24) hours of the last absent day, the absence will be considered truancy. The principal may excuse the absence, after consideration of the circumstances related to the failure to notify and to the frequency of the student's absence. In all cases where the validity of an excuse is in question, the administration may require verification from other sources.

Limit on Total Absences K-6

When a student is absent from any class for more than five (5) days per trimester the principal or designee will send a letter to the parent. The letter will call to the parent's attention the importance of good school attendance on student achievement. After seven (7) days per trimester the principal or designee will send a second letter to the parent expressing concern with the student's poor attendance and may request a meeting with the parent. The purpose of this meeting will be to discuss with the parent the student's poor attendance, and if the absenteeism is unavoidable, to develop a plan to make sure the absenteeism has minimal effect on the student's academic success. Excessive absenteeism or chronic truancy may subject the student to disciplinary action or grade retention. Chronic truants will be reported to legal authorities as prescribed by law.

After seven (7) absences in the trimester and again after each additional 5 absences the Principal may call CPS and report educational neglect.

The seven (7) day per trimester total includes both excused and unexcused absences; absences due to school activities and medically excused absences with a doctor's note are not counted.

Limit on Total Absences 7-12

When a student is absent from any class for more than seven (7) days in a semester, the principal or designee will send a letter to the parent. The letter will call to the parent's attention the importance of good school attendance on student achievement. When a student is absent for more than ten (10) days in a semester, the principal will send a second letter to the parent expressing concern with the student's poor

attendance and may request a meeting with the parent. The purpose of this meeting will be to discuss with the parent the student's poor attendance, and if the absenteeism is unavoidable, to develop a plan to make sure the absenteeism has minimal effect on the student's academic success. Excessive absenteeism or chronic truancy may subject the student to disciplinary action or grade retention. Chronic truants will be reported to legal authorities as prescribed by law.

A part of a student's grade in each class will be based on attendance and participation. Each excused or unexcused absence after ten days per semester will result in a 2% deduction in the student's attendance and participation grade and up to 20% of their final grade. Students missing 0-5 periods per class will receive a 2% increase to their final grade. 6-10 periods per class will result in a 1% increase.

After 10 absences in the semester a student will not be eligible to attend non-academic field trips and will be expected to remain at school to complete an alternate assignment.

After 10 unexcused absences if a student is not in good standing, the student may be put on academic probation. If the student does not make academic progress in the following quarter, they may be brought to the board for expulsion based on academic non-progress, attendance and or behavior issues.

The ten (10) day per semester total includes both excused and unexcused absences. However, absences due to school activities, bereavement, and medically excused absences with a doctor's note are not counted.

Checking Out of School

When a student finds it necessary to leave after the start of the school day, the student shall follow the office procedures for checking out of school. Failure to follow this procedure may be considered truancy and subjects the student to disciplinary action.

Legal Reference:	§20-5-102, MCA	Compulsory Enrollment and Excuses
	§20-5-103(2), MCA	Compulsory Attendance and Excuses
	§20-5-105, MCA	Attendance Officer – Powers and Duties
	§20-5-106, MCA	Truancy
	§20-5-107, MCA	Incapacitated and Indigent Child Attendance
	§20-1-308, MCA	Religious Instruction Released Time Program

Policy History:

First Reading on: June 10, 2026
Second Reading/Approved on: July 8, 2026

ATTENDANCE REVIEW NOTICE

Student: 3122F

Grade:

_____ has a total of _____ absences this semester. A meeting has been arranged with the Attendance Review Committee (ARC) on _____ in Room _____ at _____. Please call 837-7420 to confirm your attendance at this meeting.

Recommendations for improving attendance and making up credit may include but are not limited to the following:

☐ Alternative Learning Center (ALC)
☐ In-School Suspension (ISS)
☐ Teacher assignments
☐ Drop class and assignment to Study Hall
☐ Modified Class Schedule
☐ Will not attend field trips that require missing additional class periods
☐ Not allowed to leave early as associated with extracurricular activities unless required study back hours are met and class work is done.
☐ Not allowed to have honors pass/work release
☐ Attend morning Tutorial Study Back Period from 7:10 – 8:10 a.m. for _____ days per week
☐ Fulfill a full daily schedule before participating in extracurricular activities, including practice
☐ Serve _____ hours of Community Service with academic focus
☐ Serve as a peer tutor at lunch or during Tutorial Study Back Period for _____ days
☐ Loss of credit
☐ Other:
Comments:

Parent/Guardian Responsibility

Parent/Guardian will take the following steps to help their student fulfill the ARC Contract. (To be completed by the parent/guardian)

1. _____
   _____
2. _____
   _____
3. _____
   _____

_____
Parent/Guardian Signature

_____
Date

Thank you,

Bigfork School District #38

Bigfork School District #38

STUDENT

ATTENDANCE POLICY PROCEDURE 3122P

Attendance Review Committee (ARC) Purpose and Process

The Attendance Review Committee (ARC) will meet with the student and student's parent to review the circumstances of the absences. The Attendance Review Committee will formulate recommendations to assist the student in maintaining regular attendance and in making up credit lost.

Recommendations will be presented to the Building Principal for review and approval. The Principal may modify the recommendation as necessary. The Principal will advise the student, parents, and the ARC of the approved plan. Recommendations concerning loss of course credit may be appealed to the Superintendent. The Principal and the ARC will monitor the student's compliance with the improvement plan. The ARC may reconvene to review a student's improvement plan for effectiveness and compliance.

ARC Members

The ARC will consist of three to five teachers as selected and recommended by the Principal. Membership may rotate dependent upon case load.

ARC Meeting Procedure

Meetings will be scheduled through the High School Secretary. Students and parents will be notified and are strongly encouraged to attend. Should the student or parent not attend, the ARC will still meet to review the attendance referral and formulate appropriate corrective recommendations.

Bigfork School District #38 **R**

STUDENTS **3123**

Attendance Policy - Truancy

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

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

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

The Bigfork School District has appointed the Administration as the Attendance Officer(s) of the district.

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

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

Policy History:
Reviewed on: 08/13/2013
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bigfork School District #38 **R**

STUDENTS **3125**

Education of Homeless Children

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

Should a child become homeless over the course of the school year, the child must be able to remain at the school of origin.

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

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

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

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

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. To further ensure that the District is removing barriers to the educational access and success of children and youths who are homeless, and to ensure that Title 1 funding is expended in an appropriate manner.

Cross Reference: 1700 Uniform Complaint Procedure
3125F McKinney-Vento Homeless Educational Assistance Dispute Resolution

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

Policy History:
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Out-Of-District Student Enrollment

The Board will enroll out-of-district students in accordance with Montana law and this policy. A student's residence shall be determined pursuant to MCA § 1-1-215 except as otherwise provided by MCA § 20-9-207.

Out-of-District Student Enrollment with Extenuating Circumstances

The District shall enroll out-of-district students when extenuating circumstances exist pursuant to MCA § 20-5-321.

Out-of-District Student Enrollment with no Extenuating Circumstances

The District shall serve students who are residents of the District and out-of-district students who are subject to mandatory enrollment due to extenuating circumstances under MCA § 20-5-321 prior to enrolling other out-of-district students. The District may enroll out-of-district students at the request of the student's parent or guardian as provided in this policy when it is not mandatory because no extenuating circumstances exist. A parent or guardian seeking out-of-district enrollment when not mandatory shall apply on the out-of-district attendance agreement form approved by the Office of Public Instruction to the Board for approval on an annual basis. Out-of-district students shall reapply for admission for each school year. Admission in one school year does not imply or guarantee admission in subsequent years.

Currently enrolled students who move out of District at anytime throughout the school year shall be required to complete an Out-Of-District Attendance Agreement (FP-14.1) application. A 30 day grace period beginning on the date of change of residence to complete this application shall be afforded. Failure to submit the application within the grace period shall make the student ineligible for continued enrollment with readmission only upon the District accepting a completed Out-Of-District Attendance Agreement application.

Applications for enrollment of out-of-district students must be submitted to the District for consideration.

The Superintendent or designee shall review all applications for out-of-district enrollment when it is not mandatory and shall recommend approval or denial of each application to the Board as provided in this policy. As part of the review, the District shall request and review the student records of out-of-district students applying for enrollment prior to making the recommendation to the Board.

The Board shall approve an application for out-of-district attendance unless the trustees find that the impact of approval of the application will negatively impact the quality of education for resident students by grade level, by school, or in the District in the aggregate in one or more of the following ways:

1. The approval would result in exceeding the limits of:
    a. Building construction standards pursuant to Title 50, Chapter 60, MCA;
    b. Capacity and ingress and egress elements, either by individual room or by school building of any fire code authorized by Title 50, Chapter 3, MCA; or
    c. Evacuation elements of the District's adopted school safety plan.

2. The approval would impede meeting goals, standards, or objectives of quality that the trustees have previously adopted in a plan for continuous educational improvement required under the rules adopted by the Board of Public Education.
3. The approval would risk jeopardizing the educational quality within the District because the out-of-district student applying was:
    a. Truant as defined in MCA § 20-5-106 in the last school district attended;
    b. Expelled by another school district at any time; or
    c. Suspended in another school district in any of the three (3) school fiscal years preceding the school fiscal year for which attendance is requested. This subsection (c) does not apply to a student eligible for special education or related services.

Within 10 days of receipt of an out-of-district enrollment application, the District shall notify the parent or guardian and the trustees of the student's district of residence of the anticipated date for approval or denial of the application. The Board will consider the recommendation for denial of an out-of-district application in a closed session of the Board unless the parent or guardian waives their respective rights of privacy.

In the event that the District receives more applications for out-of-district students than it can accommodate, the District shall prioritize applications on the basis of the quality of education for students who are residents of the District and obligations of resident taxpayers. The District shall prioritize applications for the enrollment of out-of-district students in the following order provided the criteria established in this policy has been satisfied:

1. Students who attended school within the District the preceding year. In giving priority to students who have attended school within the District, the District will consider the number of years of attendance. Out-of-district students who are currently attending school within the District shall submit an application by May 1 prior to the start of the school year in which attendance is sought in order to retain their priority status. If an application for an out-of-district student currently attending school within the District is not submitted by May 1, the application will be considered on the same basis as all other applications.
2. Students who are the children or step-children of nonresident District employees.
3. Students who have siblings attending school within the District.
4. Students who have previously attended school within the District.
5. Students whose parents or guardians own property within the District.
6. Students whose legal residence is adjacent to the boundaries of the District.
7. When all of the above priorities are equal or not satisfied, the District shall give priority to applications on the basis of time of receipt by the District.

Within 10 days of the decision to approve or deny the enrollment of an out-of-district student and to enter into an out-of-district attendance agreement, the District shall provide copies of the approved or denied attendance agreement to the student's parent or guardian and the student's district of residence. In the event of a denial, the District shall provide the reason permitted by Montana and this policy and supporting documentation.

The District shall notify the district of residence for all out-of-district students enrolled under this policy regarding their tuition obligations under Montana law by July 15 following the year of attendance.

Unless otherwise agreed by the District and the district of residence in the out-of-district attendance agreement, the family of the out-of-district student whose application has been approved is responsible for transportation of the student and the student is not an eligible transportee under Montana law.

Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Out-of-district attendance by parent or guardian request with no extenuating circumstances
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation
	§ 20-5-322, MCA	Residency determination – notification – appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and transportation rates
	§ 20-5-324, MCA	Tuition payment provisions -- state obligations -- district obligations -- financing -- reporting
	§ 20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	10.10.301B, ARM	Out-of-District Attendance Agreements
	10.55.712, ARM	Class Size Elementary
	10.55.713, ARM	Teacher load and class size: high school, junior high, middle school, and grades 7 and 8 funded at high school rates

Policy History:
First reading on: 2/14/24
Second reading/Adopted on: 4/10/24

OUT-OF-DISTRICT APPLICATION
ONLY ONE STUDENT PER FORM 3141F

Today's Date_____

Name of Student_____Grade of Student_____

Name of Parent or Guardian_____

Physical Address:_____City_____

Mailing Address:_____Phone #_____

School District currently residing:_____

Does the above student have siblings enrolled in our high school? Yes □ No □

Has the applicant student been expelled from another district? Yes □ No □
If yes, explain:
Is the applicant student pending disciplinary action in another district? Yes □ No □
If yes, explain:
What is the reason the applicant student is transferring from out-of-district?_____
List absences and tardies of applicant from previously school year. Absences _____ Tardies_____
Record of passing grades from previously attended school.
Does the applicant student require special education services? Yes □ No □

Non-resident students, once accepted, shall be permitted to ride school buses on regular bus routes, subject to the approval of the sending and receiving district boards as evidenced by an interlocal agreement.

X_____
Parent/Guardian Signature

OFFICE INFORMATION:

Total number of students in applicant's grade _____
90% of District standard at applicant's grade level _____
(Refer to District's class size standards)

Note: If 90% has NOT been reached, applicant(s) are accepted.
If 90% has been reached, applicant may only attend if a sibling is a CURRENT student of School District #38.
If 100% of the District standard has been reached, **NO** students will be accepted.
Acceptance of students requiring special education services is dependent upon current program capacity and individual teacher caseloads.

This student application is **ACCEPTED** ( ) **DENIED ( )**

Superintendent's Signature_____Date_____

School Board Policy No. 3141 does not allow the admission of non-resident students when to do so would require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes.

Note: Students who are denied admission may appeal to the Board of Trustees within thirty (30) days. The School Trustees shall make the final decision at their next properly noticed regular meeting.

Bigfork School District #38

STUDENTS 3145

Foreign Exchange Students

It is the policy of the Board to recognize the benefits from non-immigrant students in the District. The Board does not, however, sponsor student foreign exchange programs. The District does not provide any financial contribution to the student. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend either elementary or secondary school. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the District.

The number of foreign exchange students attending Bigfork High School at one time shall not exceed 1% of the total high school enrollment. The Board reserves the right to withdraw approval and regulate the number of students participating.

The Building Principals are authorized to seek references, consider past District experience with a sponsoring organization, and approve or deny exchange student placement requests.

Legal Reference: 20 U.S.C. 221, et seq.

Policy History:
Adopted on: January 13, 2005
Revision Date: August 10, 2006

Bigfork School District #38

STUDENTS **3200**

Student Rights and Responsibilities

All Students are entitled to enjoy the rights protected by the Federal and State Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Cross Reference: 3231 Searches and Seizure
3310 Student Discipline

Legal Reference: §20-4-302, MCA Discipline and punishment of pupils
§20-5-201, MCA Duties and Sanctions
Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

Policy History:
Adoption Date: January 7, 2002

Equal Educational Opportunity, Nondiscrimination, and Sex Equity

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

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

Matt Porrovecchio, Special Services Director/AD
600 Commerce St., Bigfork MT 59911
mattp@bigfork.k12.mt.us
406-837-7400

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

Matt Porrovecchio, Special Services Director/AD
600 Commerce St., Bigfork MT 59911
mattp@bigfork.k12.mt.us
406-837-7400

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

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

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

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

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

Policy History:
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bigfork School District #38

STUDENTS **3218**

Closed Campus

The Bigfork Schools grades K - 12 will have a closed campus.

Students are to remain on school grounds from the time they arrive at school in the morning until they are dismissed in the afternoon unless excused through the principal's office. Students who drive their own vehicles are to exit the vehicle immediately upon arrival on campus and not return during the school day without express permission of the building Principal. Students transported by bus either to or from school are considered on school property and subject to this policy.

Permission to leave campus will be granted by the building Principal for excused absences. All students must sign out in the Principal's office prior to leaving campus.

Policy History:
Adoption Date: September 5, 1996
Revision Date: January 13, 2005

Bigfork School District #38

STUDENTS 3221

Student Publications

Student publications produced as part of the school's curriculum or with the support of student body funds are intended to serve both as vehicles for instruction and student communications. They are operated and substantively financed by the student body and the district.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene or profane nor may they cause a substantial disruption of the school, invade the privacy rights of others, demean any race, religion, sex, or ethnic group, or advocate the violation of the law. They may not advertise tobacco, liquor, illicit drugs or drug paraphernalia.

The superintendent shall develop guidelines to implement these standards and shall establish procedures for the prompt review of any materials which appear not to comply with the standards.

Policy History:
Adoption Date: November 5, 1998
Review Date: January 13, 2005

Bigfork School District #38

STUDENTS 3221P

Student Publications

The student publications instructor or advisor shall have the primary responsibility for supervising student publications and to determine that provisions incorporated into these procedures are met. The principal may request to review any copy prior to its publication. Such copy shall be returned to the student editors within two school days after it has been submitted for review.

Any dispute that cannot be resolved at the building level shall be submitted to the superintendent for further consideration. When appropriate, the superintendent shall seek legal counsel. If the complaint cannot be resolved at that level, the Board, upon request, shall consider the complaint at its next regular meeting.

The intent of student publication activities is for the instruction of responsible journalism, respect for others and standards of civility.

Policy History:
Promulgation Date: November 5, 1998
Revision Date: January 13, 2005

Bigfork School District #38

STUDENTS 3222

Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the District's policy to limit the distribution of materials to parent and student organizations sponsored by the District or other governmental agencies. Materials which provide information valued or needed by the District may also be distributed.

All organizations must have the approval of the Superintendent before materials may be distributed. The Superintendent will use the guidelines listed above in the approval of the distribution of the materials. In addition materials must advertise a youth oriented activity, not promote religion or political positions or be disruptive, libelous, or obscene.

In order to facilitate the distribution of materials with information about student activities offered in the community, each school may do the following:

A. Maintain a centrally located bulletin board for the posting of bulletins.

B. Maintain a table where flyers and other information can be made available to students.

C. Include announcements for student-related activities in materials that go home to students.

It is the intent to post all notices and place flyers on the distribution table except those that are viewed by the principal as likely to be disruptive, libelous, or obscene.

Policy History:
Adopted on: January 13, 2005

Bigfork School District #38

STUDENTS 3224

Student Dress

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board or it's agents will not interfere with the right of students and their parents to make decisions regarding student dress and appearance except in cases that disrupt the educational environment of the schools, or pose a health and safety threat to others.

The Board authorizes the Superintendent or his/her designee to develop and enforce procedures for the monitoring of student dress and grooming in school or while engaging in extracurricular activities. Procedures shall be specifically outlined in each school's student handbook and, at a minimum, shall prohibit student dress or grooming practices that:

- Present a hazard to the health or safety of the student, other students, staff, or visitors to the school.
- Create a disruption of the educational environment of the school.
- Represent gang membership or reference to gang related activities.
- Express obscene language or symbols, or symbols of sex, drugs, or alcohol.
- Express any message deemed inappropriate for a school environment.

Building administrators shall use reasonable judgment in determining the appropriateness of student dress and grooming and shall take disciplinary action according to board policy and the student handbook.

Policy History:
Adoption Date: January 13, 2005

Sexual Harassment of Students

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

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

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

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education program or activity or

3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

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

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

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.

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Confidentiality

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

Notice Requirements

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

Training Requirements

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

Conflict of Interest and Bias

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

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process

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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: 12/8/21

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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 _____

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

Name Address Telephone number

_____

_____

_____

_____

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
Brenda Clarke	Elementary School Principal - Title IX Coordinator
Jennifer Wood	Middle School Counselor - Title IX Investigations
Andrea Rossman	Elementary School Counselor – Title IX Investigations
Tom Stack	District Superintendent

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Bigfork School District #38 **3225F**

Sexual Harassment Reporting/Intake Form for Students

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

School _____ Date _____

Student's name _____

- Who was responsible for the harassment or incident(s)? _____
_____

- Describe the incident(s). _____
_____
_____

- Date(s), time(s), and place(s) the incident(s) occurred. _____
_____
_____

- Were other individuals involved in the incident(s)? ☐ yes ☐ no

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

- Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. _____
_____
_____
_____

- Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? _____
_____
_____

- Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. _____
_____
_____

Signature of complainant _____

Signatures of parents/legal guardians _____

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

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Sexual Harassment Grievance Procedure - Students

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

"Complainant:" an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent:" an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Formal complaint:" a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

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

District Requirements

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

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

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

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

Timelines

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

Response to a Formal Complaint

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

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

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

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;

2. An explanation of the District's investigation procedures, including any informal resolution process;

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;

4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and

5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

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

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

Investigation of a Formal Complaint

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

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';

2. Provide an equal opportunity for the parties to present witnesses and evidence;

3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

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

Investigative Report

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

Decision-Maker's Determination

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

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

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

1. Identify the allegations potentially constituting sexual harassment;

2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;

3. Include the findings of fact supporting the determination;

4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;

5. Address each allegation and a resolution of the complaint including a determination regarding 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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parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

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

1. Provides to the parties a written notice disclosing:

   A. The allegations;

   B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and

   C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

Recordkeeping

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

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

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

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

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The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its

response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Cross Reference:	Policy 3210	Equal Education, Nondiscrimination and Sex Equity
	Policy 3225	Sexual Harassment
	Policy 3310	Student Discipline
Legal References:	Art. X, Sec. 1, Montana Constitution – Educational goals and duties	
	Section 49-3-101, et seq., MCA, Montana Human Rights Act	
	Civil Rights Act, Title VI; 42 USC 2000d et seq.	
	Civil Rights Act, Title VII; 42 USC 2000e et seq.	
	Education Amendments of 1972, Title IX; 20 USC 1681 et seq.	
	Section 20-5-201, MCA, Duties and Sanctions	
	Section 20-5-202, MCA, Suspension and Expulsion	
	34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
	10.55.701(1)(f), ARM	Board of Trustees
	10.55.719, ARM	Student Protection Procedures
	10.55.801(1)(a), ARM	School Climate

Policy History:
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bullying/Harassment/Intimidation/Hazing

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

Definitions

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

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Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

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

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Legal Reference:	§ 20-5-207, MCA	"Bully-Free Montana Act"
	§ 20-5-208, MCA	Definition
	§ 20-50-209, MCA	Bullying of student prohibited
	§ 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: 12/8/21

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Bigfork School District #38

STUDENTS 3230

Student Privacy

The right to privacy is a fundamental tenet of human liberty. Staff shall take particular care to respect students' privacy. At the same time, they must protect the health and safety of all students and promote the effective operation of the schools. The principal, the superintendent or other such staff designated by the superintendent shall have the authority to conduct student searches. They shall do so only upon reasonable suspicion and in the manner prescribed by district policy #3231.

Legal reference: Article II, Section 10 & 15, 1972 Montana Constitution

Adoption Date: November 3, 1994

Searches and Seizure

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

The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and (2) reasonably related in scope to the circumstances which justified the interference in the first place.

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

1. A search of the student's clothing, including pockets;
2. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or
3. Devices or tools such as breath-test instruments, saliva test strips, etc.

The "search' of a student, if conducted, will be conducted by a school official

School Property and Equipment and Personal Effects of Students

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

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

Students

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

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

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

Seizure of Property

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

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

Policy History:
Adopted on: 11/03/1994
Revised on: 02/14/2001, 05/15/2003
First reading on: 6/29/22
Second reading/Adopted on: 7/13/22

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Bigfork School District # 38

STUDENTS 3231P

Searches and Seizure

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

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.

2. If the authorized administrator has any reasonable suspicion to believe that any locker, car or other container of any kind on school premises contains any item or substances, which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance

   The authorized administrator may perform random searches of any locker, car or container of any kind on school premises without notice or consent.

3. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search so long as the search is reasonable and not excessively intrusive.

4. No student shall hinder, obstruct or prevent any search authorized by this procedure.

5. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, person present and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.

6. In any instance where an item or substance is found which appears to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

7. In any situation involving contracted or chartered buses, the driver of the vehicle shall contact a school administrator or designated school official for direction or assistance.

8. The minimum standard for conducting a search is reasonable suspicion that a district policy or statutory violation has occurred. Searches of students must be reasonable and conducted in a manner which is not excessively intrusive.

Promulgated: February 14, 2001
Revision Date: May, 15, 2003

Bigfork School District #38

STUDENTS 3233

Student Use of Buildings: Equal Access

Non-curriculum-related secondary school student organizations may conduct meetings on school premises without intervention on the basis of the religious, political, philosophical, or other content of the meeting.

The following criteria must be met:

1. The meeting is voluntary and student-initiated.

2. There is no sponsorship of the meeting by the school, the government, or its agents or employees.

3. The meeting must occur during non-instructional time on regular school days.

4. Employees or agents of the school or government are present only in a non-participatory capacity.

5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

6. Non-school persons may not direct, conduct, control, or regularly attend activities.

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the principal.

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Legal Reference: 20 U.S.C. 4071 Equal Access Act
Board of Education v. Mergens, 110 S.Ct. 2356 (1990)

Policy History:
Adopted on: January 13, 2005

Bigfork School District #38

STUDENTS 3235

Video Surveillance

The Board authorizes the use of video cameras on District property, including buses, to ensure the health, welfare, and safety of all staff, students, and visitors to District property, and to safeguard District facilities and equipment. Video cameras may be used in locations as deemed appropriate by the Superintendent.

The District shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on District property.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video recordings may become a part of a student's educational record or a staff members personnel record. The District shall comply with all applicable state and federal laws related to record maintenance and retention.

Cross-Reference: 3600 Student Records

Adoption Date: December 7, 2000
Revision Date: April 22, 2004

Bigfork School District #38

SCHOOL BUS VIDEO RECORDS 3236/8126

Statement of Policy

It is the policy of the Board of Trustees of Bigfork School District #38 to authorize the installation and use of video cameras to create a record of conduct on its buses. Recorded information from these cameras ("bus videos") showing students shall be treated as an "education record" and shall not be produced outside of School District except pursuant to a subpoena, court order, or release in accord with the Family Educational rights and Privacy Act ["FERPA," 20 United States Code 1232 (g), 34 CFR Part 99]. Bus videos showing employees shall be treated as a confidential personnel record. A bus video shall be maintained as an education or personnel record when the video is to be used at a disciplinary or other proceeding authorized by law.

Installation and Operation of Cameras

Any School District bus or private contractor may be equipped with a video camera capable of recording video and audio of the passengers, driver, and staff on the bus.

Cameras shall be activated and operated at the discretion of the Transportation Supervisor and need not be in operation at all times. Cameras shall not be activated or deactivated by the driver of a bus or staff member during the transport of students. However, a driver may request that the Transportation Supervisor insure that the events of a particular route be recorded.

No Expectation of Privacy

All speech and conduct on a School District bus is subject to being recorded, preserved, and examined by means of a bus video. No person on a School District bus shall have a legitimate expectation of privacy with respect to his or her conduct or speech on a School District bus.

Notice

The district will provide notice to students, parents, staff members, and approved volunteers, that video cameras with audio capabilities may be used on school transportation while transporting students to and from curricular and extracurricular activities.

No Guarantee of Recording

By this Policy, the School District does not guarantee that every bus will be equipped with a video camera, that the video camera on a specific bus will be in operation at a specific time, or that a video camera will record specific conduct or expression.

Collection and Preservation of Bus Videos

Bus videos shall be collected and maintained under the supervision of the Superintendent or designee and may be released for re-use if a written request to preserve a specific bus video is not received by the Superintendent or designee within ten (10) calendar days of the day the

bus video is made. For purposes of calculating this ten (10) day period, the day on which the bus video is taken shall not be counted. The ten (10) day period expires at 3:00 p.m. on the tenth day.

If the Superintendent or designee receives a written request to preserve a bus video, the bus video shall be preserved for an additional (30) thirty calendar days. If a request for the bus video is not received in the (30) thirty day period following the initial written request, the Superintendent may release the bus video for re-use or destruction.

District Use of Bus Video

A bus video made pursuant to this Policy may be used in support of the discipline of a student or employee without a release from the persons recorded on the bus video.

Viewing of a Bus Video

A parent/guardian of a student pictured on a bus video may be permitted by the Superintendent or designee to view a bus video if it has been preserved pursuant to the guidelines of this policy.

Production of Bus Video Outside of the School District

A person requesting production of a bus video where the video constitutes a student record under FERPA or a confidential personnel record shall file a written request with the Superintendent. The request shall contain a written release from each person in the video age 18 and over, and the parent/guardian of each minor pictured or heard on the bus video requested. If the only student recorded on a bus video is the child of a parent/guardian, a copy of a bus video may be provided to the parent/guardian. In lieu of written release, digital cameras with capabilities of obscuring identifying personal features may be used to protect the identity of other students when necessary.

The Superintendent is authorized to develop forms and administrative guidelines to implement this Policy.

Cross Reference: 3235 Video Surveillance

Legal Reference: 45-8-213(1) MCA
USC 1232(g), 34 CFR Part 99 – FERPA

Adoption Date: April 1, 2004

Bigfork School District #38

SCHOOL BUS VIDEO RECORDS 3236p/8126p

School Bus Video Records

The district will comply with provisions of state and federal law regarding education record requirements, including the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act, as applicable to the district's use of video recordings. Video recordings that become part of a student's education record will be maintained in accordance with established education record procedures governing access, review, and release of education records. Video recordings considered for retention, as part of an employee's personnel record, will be maintained in accordance with established Board personnel policies, administrative regulations, and collective bargaining agreements governing access, review, and release of employee personnel records.

Camera Installation

Each and every school bus owned, leased, contracted and/or operated by the school district shall be equipped with a fully-enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded on tape. Video cameras will be rotated on school transportation vehicles transporting students to and from curricular or extracurricular activities at the discretion of the coordinator of transportation. A video camera will not necessarily be installed in each and every school bus owned, leased, contracted and/or operated by the school district, but cameras may be rotated from bus to bus without prior notice to students. Video cameras will be placed on a particular school bus, to the extent possible, where the school district has received complaints of inappropriate behavior.

Notice

The district will provide notice to students, parents, and staff that video cameras with audio capabilities may be used on school transportation vehicles transporting students to and from curricular and extracurricular activities. Notices will be provided in the following manner:

1. Sign posting on each bus
2. Student handbooks
3. Employee handbooks
4. Bus rider registration form
5. Written notice to all drivers
6. Notice to staff
7. Provision in bus contract

Viewing

The transportation director will review the videotapes on a random basis or in response to specific complaints or concerns.

Viewing of video recordings by school personnel is restricted to administrative staff, the transportation director, and other staff, as approved by the Superintendent for specific incidents or circumstances. The Superintendent shall base the decision for approval on a "need to know" basis. Viewing of a video by a parent/guardian of a student pictured on a bus video is permitted upon approval of the Superintendent.

Storage/Security

All video recordings will be stored and secured y the Transportation Director to ensure confidentiality. Video recordings will be stored for (10) ten school days after initial recording. These recordings will then be erased unless they become part of a student's education record or employee's personnel record. Video recordings held for review of student or staff incidents will be maintained in their original form pending resolution. The tape will then be either erased or retained as necessary as part of the student's education record and/or employee's personnel record in accordance with the established district procedures.

Reproduction of Bus Video

Video recordings remain the property of the district and may be reproduced only in accordance with an applicable court order, state or federal law, school board policy or collective bargaining agreement.

Promulgation Date: April 1, 2004

Bigfork School District #38

STUDENTS 3240

Guidelines of Conduct (K-12)

Each student has the right to an education in an orderly, safe, and sanitary atmosphere and is expected to contribute to his/her environment by meeting the rules of conduct as presented in the Student Handbook for each school. The Student Handbooks are to be reviewed yearly and regarded as District Procedures with all changes being brought to the attention of the trustees.

Compliance with these guidelines of conduct is mandatory. Failure of a student to comply with these regulations constitutes an infringement upon the rights of other students.

Legal reference: 20-5-201, MCA Duties and Sanctions

Cross reference: Policy #3300 Corrective Actions or Punishment

Adoption Date: November 3, 1994
Revision Date: January 7, 2002
Revision Date: September 11, 2003

Bigfork School District #38

STUDENTS

GUN-FREE SCHOOLS **3270**

In accordance with the provisions of the Gun-Free Schools Act, 20 USC 8921, any student who brings a firearm onto school property, except as provided below, shall be expelled for a period of not less than one year unless modified by the Superintendent or Board of Trustees, upon a recommendation from the Superintendent.

The term "firearm" shall be defined as provided in 18 USC 921. This term shall include any weapon which is designed, or may be readily converted, to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary or poison gas.

Any student subject to expulsion shall be entitled to a hearing before the Board in accordance with 20-5-202, MCA. Nothing in this policy shall prevent the Board from making an alternative placement for a student in lieu of expulsion.

If a student violating this policy is identified as disabled either under IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed for suspensions of greater than ten days.

Special Note: 20 USC Section 1415 of the Elementary and Secondary Education Act, amended the Individuals with Disabilities Act to provide that a student with disabilities who brings a firearm to school may be placed in an interim alternative educational setting for not more than 45 days. If after this placement is made, a parent requests a due process hearing, the child shall remain in the alternative setting during the pendency of any proceedings unless the parents and the school district agree otherwise.

The District shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to local law enforcement authorities and other governmental agencies as required by law.

Cross Reference:	#3240	Guidelines of Conduct (K-5)
	#3250	Guidelines of conduct (6-12)
	#3260	Malicious Vandalism
	#3300/3300P	Corrective Actions or Punishment
	#3310	Student Discipline
	#3312	Detention
	#3313/3313P	In-School Suspension

3314 Appeal Process for Discipline

Legal Reference: 20 USC 8921 Gun-Free School Zones Act, et seq.
20 USC 1400 Individuals with Disabilities Education Act, et seq.
20 USC 701 Rehabilitation Act of 1973, et seq.
20-4-302, MCA Discipline and punishment of students
20-5-201, MCA Duties and sanctions
20-5-202 MCA Suspension and Expulsion

Adoption Date: September 16, 1999

Bigfork School District #38

STUDENTS

3275

WEAPON-FREE SCHOOLS **Page 1 of 2**

Any student who brings a weapon or simulated weapon onto school premises, except as provided below, may be expelled by the Board of Trustees, upon a recommendation from the Superintendent.

Any employee who observes *any person* in possession of a weapon or simulated weapon on school premises shall immediately report the matter to the school administrator. A school administrator who observes or receives a report of a student possessing a weapon on school premises shall immediately take appropriate safety and disciplinary actions in accordance with District policies and shall immediately report a violation of this policy to law enforcement if circumstances warrant.

A student who violates this policy by carrying or possessing a weapon may be placed in an alternative education program or expelled. The Board of Trustees, in its sole discretion, may modify disciplinary action on a case-by-case basis.

Any student subject to expulsion shall be entitled to a hearing before the Board in accordance with 20-5-202, MCA. Nothing in this policy may prevent the Board from making an alternative placement for a student in lieu of expulsion.

A student who violates this policy by any means other than carrying or possessing a weapon (for example, accessory, contributing) shall be subject to disciplinary action, including but not limited to expulsion. If a student violating this policy is identified as disabled either under the IDEA or Section 504, state and federal law procedures for changes in placement must be followed for suspensions of greater than ten days.

The Superintendent may grant permission for exceptions in writing for special activities.

For Purposes of this policy:

***Weapon** means any of the following:

- A firearm
- Any knife, regardless of blade length including utility knives and utility tools containing knives.
- A destructive device.
- A dangerous instrument.

***Simulated Weapon** means an instrument displayed or represented as a weapon.

- ***Firearm*** - means any of the following:

- Any loaded or unloaded gun that will, that is designed to, or that may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such firearm.
- Any firearm muffler or silencer.
- Any explosive, incendiary, poison gas, bomb, grenade, rocket having propellant charge, missile having an explosive charge, a mine, or similar device.
- Any combination of parts that could be readily assembled or converted to form a firearm.

**** Destructive Device*** - means:

- Any device other than a firearm that will, or is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB / pellet gun, slingshot / wrist rocket, bow, or crossbow.
- Any collection of parts that could be readily assembled to fashion a destruction device.

**** Dangerous Instrument*** means anything other than a firearm, knife, or destructive device that is carried or possessed by a student for the purpose of being used or being available for use to cause death or inflict serious physical injury.

****Deadly weapon*** means any device designed for lethal use, including a firearm.

**** School Premises*** - means the school, school grounds, school buses, school bus stops, or any premises, grounds or vehicles used for school purposes and includes premises where school-sponsored events (for example, athletic events and competitions, music competitions, field trips, etc.) are held away from District property and anytime a student is representing Bigfork School District #38.

Adoption Date: September 16, 1999

Suspension and Expulsion - Corrective Actions and Punishment

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

Suspension

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

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

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

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

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

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

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

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

Expulsion

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

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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.

<u>Possession, Use, and Being Under The Influence</u>

- First Offense – Corrective Action
  - Out of School (OSS) Suspension of 3 to 10 days
  - In School Suspension (ISS) of 2 to 20 days
  - 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
  - Behavior and attendance contract for period of 90 school days
  - Montana High School Association and school district policies apply to participation in extra-curricular activities

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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:
  - Immediate suspension pending Board hearing
  - Recommendation for expulsion for 90 school days

- Third Offense:
  - Immediate suspension pending Board hearing
  - Recommendation for expulsion

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).

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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
	Goss v. Lopez, 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: 6/29/22
Second reading/Adopted on: 7/13/22

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Corrective Actions and Punishment

It is the intent of the Board to provide each student with those due process rights which are provided by law.

Suspension

In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.

2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.

3. Any suspension shall be reported as soon as practical to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.

4. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Principal. After the review, the student and parent or legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate.

Expulsion

A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

1. The student and parent or legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by any reasonable means at least five (5) school days before the date scheduled for the hearing. The notice shall include the time and place of the hearing; information describing the process to be used to conduct the hearing; notice of the Board's intent to conduct the hearing in executive session unless the parent or legal guardian waives the student's right to privacy.

2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent or legal guardian by submitting a request showing good cause to the Superintendent at least two (2) school days prior to the date of the hearing as originally scheduled. The Superintendent shall determine if the request shows good cause.

3. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine witnesses. Formal rules of evidence are not binding on the Board.

Procedures for Suspension and Expulsion of Students with Disabilities

The District shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten (10) days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten (10) days of suspension may be temporarily 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 others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A 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 may be removed from the

Student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with the IDEA.

Procedure History:
Promulgated on: January 7, 2002
Revised on: June 11, 2014

Use of Restraint, Seclusion, and Aversive Techniques for Students

Conduct of Employees Directed Toward Students

The use by appropriately trained District personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a District employee, that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event shall immediately seek out the assistance of the school's administration or, if such administrator is not available, a certified or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation.

Seclusion or restraint of a student shall immediately be terminated when it is decided that the student is no longer an immediate danger to him or herself or to any other third person or if it is determined that the student is exhibiting extreme distress or at such time that appropriate administrative personnel have taken custody of the child or upon such time that the parent/legal guardian of the child has retaken custody of the child.

Regardless of employee training status, no District personnel shall use any form of aversive technique or corporal punishment against any student. All seclusion will be in compliance with a student's IEP or Section 504 Plan.

If a situation occurs where a properly trained District employee must use acts of restraint or seclusion against a school student, the following shall occur:

1. The employee shall immediately report to their building principal, in writing, the following information:
    A. The date the event occurred;
    B. The circumstances leading to the event;
    C. The student involved; and
    D. Other witnesses or participants to the event.

2. The building principal shall notify the Superintendent's office of the event, providing the Superintendent's office with a copy of the report of events.

3. The building principal shall ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Superintendent's Office for the Superintendent's official records of the event.

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4. The Superintendent or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).

5. The Superintendent or designee of the Superintendent shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.

6. The Superintendent or designee of the Superintendent shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.

7. The building Principal's office shall maintain documentation as to events of restraint and seclusion and the Principal/Superintendent shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.

Training of School Personnel

As part of the training and preparation of each certified administrator, certified teacher, and in-building classified employee of the District, the following shall occur:

1. Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;

2. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;

3. Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area;

4. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned; and

5. Provision of the employee with a copy of this policy.

Designated Locations

Each school building for which students are present must have a building designated location for student seclusion. It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy. All seclusion will be in compliance with a student's IEP or Section 504 Plan. Appropriate supervision shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

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Definitions

For the purposes of this policy, the following definitions shall apply:

Restraint: The immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through chemical, manual method, physical, or mechanical device, material, or equipment.

Seclusion: Involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believes that the he or she can leave or be prevented from leaving through manually, mechanically, or electronically locked doors that, when closed, cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Aversive Technique: Physical, emotional, or mental distress as a method of redirecting or controlling behavior including by not limited to corporal punishment.

Policy History:
First reading on: 1/11/23
Second reading/Approved on: 2/8/23

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Bigfork School District #38

STUDENTS **3309**

Expulsion of students for Non-School Conduct

A student may be disciplined, including suspension or expulsion, for non-school conduct which has a direct and immediate effect on the discipline or general welfare of the school. Examples of such conduct would be fighting after school off campus between district students, intimidation or harassment of a student or school employee by a student, conviction of selling or distribution of alcohol or drugs off campus or other criminal activity of a serious nature, and inappropriate behavior at an event in which District #38 students were a participant.

Legal references: Howard v. Colonial school Dist. 605 A. 2d 590 (Del. Super. 1992) and
Labrosse v. St. Bernard Parish School Board, 483 So. 2d 1253 (La. App. 4th Cir. 1986)

Adoption Date: March 2, 1995 (originally policy #3312)
Revision Date: January 7, 2002

Student Discipline

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.
- 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.

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

Delegation of Authority

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

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

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

Policy History:
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Discipline of Students with Disabilities

Code of Conduct Violations by Students with Disabilities, Resulting in Disciplinary Consequences of Ten (10) School Days or Less

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student's placement for ten (10) consecutive school days or less.

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School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. *Reg. 300.520(a)(1)(i)*

↓

During the first ten (10) cumulative school days of removal in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. *Reg. 300.121(d)(1).*

↓

School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under *Reg. 300.519(b)* and are those which would be applied to non-disabled students. *Reg. 300.520(a)(1)(i).*

- - -

A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. *Reg. 300.519(b).* If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. *Reg. 300.523(a).*

Beginning with the 11th day of disciplinary removals in a school year, educational services must be provided. *Reg. 300.520(a)(1)(ii); Reg. 300.121(d)(2)(i)(A).* If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the services to be provided. *Reg. 300.121(d)(3)(i).*

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(A).*

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Beginning with the 11th day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. *Reg. 300.520(b)(1)(i).*

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After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. *Reg. 300.520(b)(2).*

If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*

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If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2).*

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If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*

Code of Conduct Violations by Students with Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More than Ten (10) School Days (Excluding Drug and Weapon Offenses)

Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a).*

The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*

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School personnel may remove from current educational placement for ten (10) school days or less (*Reg. 300.520(a)(1)(i)*), and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9). Reg. 300.529.*

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At the time decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).*

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Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2),(b).* If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. *Reg. 300.520(b)(1)(i).* As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- the IEP and placement were appropriate;
- consistent with the content of the student's IEP and placement, special education services, supplementary aids and behavior intervention strategies were actually provided;
- the disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- the disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).



If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*



If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a); Reg. 300.524(a).* The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b).*

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a),(b).*

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in *Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).*

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a).* Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b),(c).* The hearing officer applies the standards in *Reg. 300.121. Reg. 300.526(c).* Hearing officer can order another placement for up to forty-five (45) days. *Reg. 300.526(c))(3).* This procedure may be repeated as necessary. *Sec. 1415(k)(7); Reg. 300.526(c)(4).*

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a).* The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.

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School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i).* (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records shall be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. *Sec.1415(k)(9); Reg. 300.529.*

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At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).*

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Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. *Sec. 1415(k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a).* IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. *Reg. 300.520(b)(1)(ii).* If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. *Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i).* As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2),(b).*

Illegal drug - controlled substance. Excludes legally used and possessed prescription drugs. *Sec. 1415(k)(10)(B); Reg. 300.520(d)(2).*

Controlled substance - drug or substance in 21 U.S.C. § 812(c), Schedules I-V. *Sec. 1415(k)(10)(A); Reg. 300.520(d)(1).*

Weapon - A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).*

The forty-five-(45)-day alternative interim placement must:

- enable student to progress in general curriculum, although in another setting;
- enable the student to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in that IEP; and
- include services and modifications designed to address the drug or weapon offense so that it does not recur. *Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121(d)(2)(ii).*

Comments to regulations: Students may be subject to multiple forty-five-(45)-day interim placements for separate drug and weapon offenses. The forty-five-(45)-day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty-five-(45)-day interim placement.

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- the IEP and placement were appropriate;
- consistent with the content of the student's IEP and placement, special education services, supplementary aids and services and behavior intervention strategies were actually provided;
- the disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- the disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

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If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a).* The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b).*

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a), (b).*

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. *Sec. 1415(k)(6)(A); Reg. 300.525(a)(2).*

During appeals, stay put applies. *Reg. 300.524(c).* If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in *Sec. 1415(k)(2)* and *Reg. 300.521.*

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2(i)(B); Reg. 300.524(a).* The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon or offense, the penalty for which would result in expulsion or removal from the student's placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. *Reg. 300.524.*

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School requests hearing officer to change the placement during the pendency of the hearing, because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*

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Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- consider the appropriateness of the current placement.
- consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher
  - enables the student to participate in the general curriculum, although in another setting;
  - enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
  - include services and modification designed to address the behavior so that it does not recur.

Sec. 1415(k)(2); Reg. 300.521(b),(c),(d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).*

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*

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Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. *Reg. 300.526(b), (c)(4).* Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. *Sec. 1415(k)(7); Reg. 300.526.* Any subsequent forty-five-(45)-day interim setting must meet the standards in *Reg. 300.522.*

Policy History:
Adopted on: 01/07/02
Revised on:

FIREARMS AND WEAPONS

Firearms

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

It is the policy of the Bigfork School District #38 to comply with the federal Gun Free Schools Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

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

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

Possession of Weapons other than Firearms

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

No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike

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guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon **in a school building**, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

For the purposes of this section only, "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a)

The Board or the Superintendent may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board or the Superintendent at a regular meeting. This policy does not apply to law enforcement officers acting in his or her official capacity.
(45-8-361 (3a))

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

Cross Reference:	Policy 3310	Student Discipline
	Policy 4332	Conduct of School Property

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

Policy History:
Adopted on:
Reviewed on:
Revised on: June 11, 2014

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Bigfork School District #38

STUDENTS **3311E**

FIREARMS AND WEAPONS

Note: Section (g) of the NCLB Section 4141 – Gun Free Requirements, carves out a very significant exception to the Gun Free Schools Act in that it allows a student to have "a firearm that is lawfully stored inside a locked vehicle on school property. . ." Montana law (20-5-202, MCA), on the other hand, does not provide for any exception to the expulsion requirement if a student has a firearm that is lawfully stored inside a locked vehicle on school property. The only reference to federal law in 20-5-202(2), MCA is the federal definition of a firearm. As you well know 20-5-202(2), MCA provides that:

(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.

So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.

*There is one significant inconsistency between the Federal Gun Free Schools Act and Montana is that under federal law it provides that "State law **shall** allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing," whereas 20-5-202(2), MCA, provides that the trustees **may** authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.*

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Bigfork School District #38

STUDENTS **3312**

Detention

For minor infractions of school rules or regulation, or for minor misconduct, staff may detain students. Students may be required to attend Saturday detention.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct which allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member. Students will be afforded the opportunity to contact their parents/guardians regarding the detention.

Students detained for corrective action or punishment shall be under the supervision of the staff member or designee.

Policy History:
Adoption Date: January 7, 2002

Bigfork School District #38

STUDENTS **3335**

Chemical Use and Dependency

The Bigfork School District recognizes that student use of mood altering chemicals and chemical dependency impairs a student's personal, social and academic development and negatively affects family relationships. In order to establish a safe and healthy academic environment, the District is committed to the development of a substance abuse prevention program that emphasizes prevention, intervention, aftercare support and disciplinary consequences. The District will work with the community to positively address the problem and will be responsible for the development of this program within existing legal, financial and policy restraints.

The Bigfork School District prohibits the use, possession, being under the influence, and distribution or attempted distribution of drugs, or substances implied to be drugs, or alcohol on any school district property or any school district sanctioned/sponsored activity including district authorized transportation. The non-medical use, possession or distribution of over the counter or prescription drugs on school property or at school sanctioned/sponsored activities is also prohibited. Non-medical is defined as a purpose other than the prevention, treatment, or care of an illness or disabling condition. The possession or distribution of drug paraphernalia of any type is also prohibited.

Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations including, but not limited to, reprimand, suspension and expulsion.

Students in violation of the provisions of this policy shall be subject to removal from school property and shall be subject to prosecution in accordance with the law.

For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants, in any form.
- Any "look alike" drug or substance implied to be a drug.

Policy History:
Adoption Date: August 14, 1996 (originally policy #2334)
Revision Date: January 7, 2002
Revision Date: February 12, 2007

Chemical Use and Dependency

Actions taken by staff in dealing with student use/abuse with controlled substances, dangerous drugs, or alcohol will have as their first concern the welfare of the student involved and the other students in the school. Necessary and appropriate disciplinary action, consistent with state and federal law, will be taken when the guidelines of conduct regarding alcohol and other drugs are violated. Disciplinary sanctions may also include the completion of a chemical abuse assessment or the completion of a rehabilitation program. The District can not be held financially responsible for any such sanctions.

Prevention

The prevention program shall focus on education/prevention programs utilizing classroom instruction, and guidance services, and outside experts as resources.

The school will require participation in education/prevention programs that increase the awareness of the effects of chemical abuse. Student support groups shall assist those students concerned about their own use, those living in families suffering from abuse or dependency, and those concerned about the use of chemicals by significant others.

Instruction

This dimension of the prevention program shall focus on:

a. The effect of alcohol and drugs upon the body.

b. Skill development related to self-esteem, goal setting, decision making, conflict management, problem solving, refusal and communication skills, and techniques for resisting peer pressure.

c. The legal, social, and health consequences of alcohol and drug use.

Guidance Services

Staff shall meet with students, individually and in small groups, to supplement drug and alcohol prevention instruction and skill development. Staff will also assist parents to maximize the prevention efforts of the school.

Intervention

The goal of the intervention program shall be to eliminate chemical use and abuse by students. Ongoing in-service will be provided for faculty and staff. Important aspects of in-service training will include dimensions of the family illness and dynamics of the addiction process; enabling behaviors; children in chemically dependent families; student experimentation; abuse and dependency; parental involvement and community resources; prevention issues and strategies; intervention techniques; treatment and aftercare support; and implementation of the program into the classroom/building. Students who voluntarily request help with an alcohol or drug problem will receive the full cooperation of School District #38 as long as school policy or state statute has not been violated.

Corrective Action

Possession, being under the influence, use, selling, buying, or giving away of alcoholic beverages, illegal drugs (chemicals), drug paraphernalia, substances which are implied by the person in possession to be illegal chemicals, or the abuse of any chemical substance, is strictly prohibited on School District #38 property or as part of any School District #38 sanctioned/sponsored activity (those activities which are school sponsored and/or the student attends as a representative of School District #38 regardless of the location).

Students in violation of Bigfork School District #38 policy 3335 are to be reported immediately to the building principal. The principal shall investigate and take appropriate action. The Superintendent will be given written follow-up reports outlining infractions and the action taken.

Students who are alleged to have violated this policy will be subject to an administrative investigation. If the evidence supports the allegation, the student will be subject to the following:

1. Parent(s) or guardian(s) will be notified.
2. Immediate suspension from school, Level III (pending School Board Action)
3. Remanded to the appropriate law enforcement agency
4. Recommended for expulsion for a minimum of 90 school days
5. Readmitted only after an alcohol/drug evaluation (at parent's expense) and proof of complying with the recommendations of the evaluation to the principal's satisfaction
6. Students who are readmitted will be on conditional status;
7. A second violation will result in a recommendation for permanent expulsion.

Appropriate school disciplinary action will be taken by the school administrator regardless of law enforcement action.

The student will be afforded all rights of due process as provided by law.

Cross Reference: Policy #3228/3300/3300P

Policy History
Adoption Date: September 1, 1998(Originally procedure #2334P)
Revised on: January 7, 2002

Bigfork School District

STUDENTS **3340**

Extra- and Co-Curricular Chemical Use Policy

Students participating in extra- and co-curricular activities, whether sponsored by the MHSA or not, shall not use, have in possession, sell, distribute, or be a party to the use, possession, sale or distribution of alcohol, tobacco, or illegal drugs, or abuse prescription or non-prescription drugs during their extracurricular seasons. These rules are in effect twenty-four (24) hours a day. If a student receives an MIP, or is seen using tobacco, alcohol, or illicit drugs, the student will forfeit the privilege of participating in accordance with the activities and student handbooks.

Policy Coverage

This policy applies to middle and high school students who are involved in the extra- and co-curricular activities program.

Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities until the last day of school or activities, whichever is later. Violations are cumulative, through the student's period of attendance in grades 7-8 and in grades 9-12. The Administration shall publish the participation rules annually in the activities and student handbooks.

Student and Parent/Legal Guardian Due Process

If a determination is made that a student has violated this policy, the student and parent or guardian shall be notified of the violation by telephone where possible, and also by mail. Also at this time, the student and parent or guardian shall be notified of the type of discipline that will be administered.

APPEAL PROCESS: Any parent or legal guardian and student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the principal, for the purpose of resolving the grievance. At such a conference, the student and the parent shall be subject to questioning by the principal, and shall be entitled to question staff involved in the matter being grieved.

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

Policy History:
Adoption Date: January 7, 2002

Student Health/Physical Screenings/Examinations

The Board may arrange each year for health services to be provided to all students. Such services may include but are not limited to:

1. Development of procedures at each building for isolation and temporary care of students who become ill during the school day;
2. Consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening;
5. Any physical or mental health services, examination, or screening;
6. Immunization as provided by the Department of Public Health and Human Services.

Parents will be notified in writing prior to any vision and hearing screening, scoliosis screening, and/or other similar physical screening. The notification will include notification to the parent of their right to opt their student out of such screenings.

Parents will be notified in writing prior to any group mental health screening, analysis, evaluation, survey, or data collection applicable to all students or a specific group of students during which no personally identifiable information will be gathered. The notification will include notification to the parent of their right to opt their student out of such screening, analysis, evaluation, survey, or data collection.

Parents will be notified in writing prior to any mental health screening, analysis, evaluation, survey, or data collection requiring the gathering of personally identifiable information from students. The notification will include notification to the parent of their right to opt their student in to any such mental health screening, analysis, evaluation, survey, or data collection.

Parents will be notified in writing prior to any scheduled immunization of students. The notification will inform the parent that their child will not be immunized without the prior written consent of the parent.

Parents will be notified in writing of any issues or concerns resulting from any physical or mental health screenings of their child.

Under circumstances where the health or safety of a student or others is in question during an emergency situation, District personnel may conduct a physical or mental evaluation of the student or otherwise provide health services necessary to protect the health and welfare of the student or others consistent with Policy 3431. The parent(s) of the student receiving a physical or mental evaluation or other health services will be informed of the details of the emergency and the services provided as circumstances permit.

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Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

Montana Code Annotated	**Description**
20-3-324	Powers and duties
40-6-701	Interference with fundamental parental rights restricted

United States Code	**Description**
20 USC 1232h	Protection of pupil rights

Cross References

Code	**Description**
2132	Student and Family Privacy Rights
2158	Parent and Family Engagement and Educational Involvement
3305	Seclusion and Restraint
3431	Emergency Treatment
3431-NF(1)	Emergency Treatment - Accident Report

Policy History:
First reading on: 10/8/25
Second reading/Adopted on: 11/12/25

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Bigfork School District #38

STUDENTS 3413

Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus. Pertussis immunization is not required for students who are seven (7) years or older.

Upon initial enrollment, an immunization status form shall be completed by the student's parent or guardian. The certificate shall be made a part of the student's permanent record.

A pupil who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring pupil ceases attendance at the school of origin, the District must receive the original immunization records for the pupil who transfers into the District.

Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a physician indicating the specific nature and probable duration of the medical condition for not administering the vaccine(s). Exemptions for religious reasons must be filed annually. The statement for an exemption shall be maintained as part of the student's immunization record. The permanent file of students with exemptions shall be marked for easy identification should the Department of Health order that exempted students be excluded from school temporarily when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar days.

The Superintendent may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses of polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, and tetanus vaccine.

The District shall exclude a student for noncompliance with the immunization laws and properly notify the parent or guardian. The local health department may seek an injunction requiring the parent to submit an immunization status form, take action to fully immunize the student, or file an exemption for personal or medical reasons.

Legal Reference:	§ 20-3-324(20), MCA	Powers and duties
	§ 20-5-401 - 410, MCA	Health

Policy History:
Adopted on: February 3, 2005
Revised on: February 16, 2005

Medical Exemption Statement

Form HES 101A
Montana Schools

DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES

For questions, contact the Montana Department of Immunizations at (406) 444-5580

A prospective student seeking to enroll in a Montana school is not required to receive any immunizations for which they are medically contraindicated. The Medical Exemption Statement, may be completed by a qualifying healthcare provider and utilized as an exemption. In lieu of this form, a written and signed statement from a qualifying healthcare provider will also be accepted under the conditions outlined in ARM 37.114.715.

Pursuant to HB 334 (Ch. 294, L. 2021), a qualifying healthcare provider means a person who: (1) is licensed, certified, or authorized in any U.S. State or Canada to provide health care; (2) is authorized within the person's scope of practice to administer the immunization(s) to which the exemption applies; and (3) has previously provided health care to the student *or* has administered a vaccine to which the student has had an adverse reaction. Once completed, this form should be filed at the student's school along with their most current immunization record.

Student Name: _____ **Parent/Guardian Name:** _____

Student Address:_____ **Student Date of Birth:** _____

Select the vaccine(s) needing medical exemption, then provide a brief description of the contraindication or precaution for each vaccine:

- ☐ DTaP (Diphtheria, Tetanus, and Pertussis)
- ☐ Tdap (Diphtheria, Tetanus, and Pertussis)
- ☐ Varicella (Chickenpox)
- ☐ Hib (*Haemophilus influenzae* type b)
- ☐ MMR (Measles, Mumps, and Rubella)
- ☐ IPV (Polio)
- ☐ Other: _____

Contraindication/Precaution:

_____

_____

_____

_____

A complete list of medical contraindications and precautions can be found on the Centers for Disease Control and Prevention's website: https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html.

Duration of exemption: _____

Provider's Name (print): _____ **Title:** _____ **Phone:** _____

Address: _____

Provider's Signature: _____ **Date:**_____

Montana Code Annotated
20-5-403: MT School Immunization Requirements, Immunization Records
20-5-405: MT School Immunization Requirements, Exemptions

Administrative Rules of Montana
37.114.701-721: Immunization of K-12, Preschool, and Post-Secondary Schools

Religious Exemption Statement

Form HES 113
Montana Schools

For questions, contact the Montana Immunization Program at (406) 444-5580

Student's Full Name_____

Birth Date_____ Age_____ Sex _____

School:_____

If student is under 18, name of parent, guardian, or other person responsible for student's care and custody:

_____

Street address and city: _____

Telephone:_____

I, the undersigned, swear or affirm under oath that immunization against the following is contrary to my religious tenets and practices:

- ☐ *Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)*
- ☐ *Measles, Mumps and Rubella (MMR)*
- ☐ *Haemophilus Influenzae type b (Hib)*
- ☐ *Polio*
- ☐ *Varicella (chickenpox)*
- ☐ *Other:* _____

I understand that:

Pursuant to section 20-5-405, MCA, in the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease.

Signature: _____ Date: _____

Bigfork School District #38 **R**

STUDENTS **3415**

Management of Sports Related Concussions

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

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

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

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

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

Legal Reference: Dylan Steigers Protection of Youth Athletes Act

20-7-1301, MCA	Purpose
20-7-1302, MCA	Definitions
20-7-1303, MCA	Youth athletes – concussion education requirements
20-7-1304, MCA	Youth athletes – removal from participation following concussion – medical clearance required before return to participation

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

Policy History:
Revised on: 08/13/2013
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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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

_____ _____

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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!

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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.

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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	
•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	**Thinking/Remembering:** •Difficulty thinking clearly •Difficulty concentrating or remembering •Feeling more slowed down •Feeling sluggish, hazy, foggy, or groggy **Physical:** •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"	**Emotional:** •Irritable •Sad •More emotional than usual •Nervous **Sleep*:** •Drowsy •Sleeps less than usual •Sleeps more than usual •Has trouble falling asleep **Only ask about sleep symptoms if the injury occurred on a prior day.*

LINKS TO OTHER RESOURCES

- CDC –Concussion in Sports
  - 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

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Bigfork School District #38 **R**

STUDENTS **3415P**

Management of Sports Related Concussions

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

1. *Updating:* Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the MHSA or the MHSA Web site, U.S. DPHHS, and CDCP web site. If there are any updated procedures, they will be adopted and used for the upcoming school year.

2. *Identified Sports:* Identified sports include all organized youth athletic activity sponsored by the school or school district.

B. *Training:* All coaches, athletic trainers, and officials, including volunteers shall undergo training in head injury and concussion management at least once each school year by one of the following means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing the MHSA concussion clinic found on the MHSA Sports Medicine page at www.mhsa.org; or by the district inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to facilitate the training requirements.

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

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

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

Policy History:
Revised on: 1/3/2013
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Administering Medication to Students

"Medication" means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student's healthcare provider.

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

Administering Medication

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

Emergency Administration of Medication

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

Assisting Students with Self-Administration of Medication

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

To assist in self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions and with the written consent of a student's parent or guardian; and

To assist in self-administration of a prescription drug to a student in compliance with written instructions or standing order of an authorized physician or a student's private physician and with the written consent of a student's parent or guardian.

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

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

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

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

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

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and shall be renewed annually. A student's authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

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

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Self-Administration of Other Medication

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

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

Administration of Glucagons

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

Handling and Storage of Medications

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

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

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

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

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

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

Disposal of Medication, Medical Equipment, Personal Protective Equipment

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

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

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

Policy History:
First reading on:1/11/23
Second reading/Approved on: 2/8/23

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PHYSICICAN ORDER AND PARENT REQUEST FOR ADMINISTRATION OF MEDICATION AT SCHOOL (SHORT TERM AND PRN)

Notice to attending physician:
The Bigfork School would like to encourage parents to administer medication(s) outside of the school day. In the event that it is necessary for a child to receive medication at school, we request that you provide us with the following information and instructions.

Student Name_____DOB_____
Allergies_____
Diagnosis of illness or condition_____
Medication required_____
Dosage_____
Times of administration of medication_____
Possible side effects_____
Anticipated number of days to be given at school_____
Special instructions for the nurse and/or teacher_____

Physician's Signature_____

Notice to parents:
Medications must be sent in the prescription bottle with the prescription and expiration dates clearly visible.
We_____as parents /legal guardians of _____hereby consent to the administration of (medicine)_____as outlined above by our physician. We request that this medication be given to our child; and therefore release Bigfork School, its agent and employees from any and all liability as well as to hold them harmless to the extent outlined by law in consideration for their efforts in this regard.

Parent Signature_____

(MEDICATION GRID INSERTED HERE)

PHYSICIAN ORDER AND PARENT REQUEST FOR ADMINISTRATION OF MEDICATION AT SCHOOL

Bigfork schools would like to encourage parents to administer medication(s) outside of the school day. In certain acute or chronic health conditions it may by necessary for a child to take prescription or over-the-counter medication during the school day. In order for this medication to be administered at school, the School Nurse must be contacted and the procedure below must be followed:

1. There must be a written Physicians Order which includes the diagnosis, name of medication, dosage, times to be given, and possible side effects.
2. The parent or guardian must sign the consent for the medication to be given.
3. The medication must be supplied by the parent or guardian in a properly labeled container including the student name, dosage, frequency, and expiration date.
4. The medication may only be dispensed by the school nurse or her designee.

PHYSICIAN ORDER

Permission for medication to be given at school

School year: _____
Student Name:_____DOB:_____
Allergies:_____
Diagnosis of illness or condition:_____
Medication Required:_____
Dosage:_____
Times of administration of medication:_____
Possible side effects:_____
Anticipated number of days to be given at school:_____
Special instructions:_____

Physician's Signature_____

PARENT REQUEST

We_____as parents/legal guardians of _____ hereby consent to the administration of (medicine)_____as outlined above by our physician. We request that this medication be given to our child; and therefore release Bigfork School, its agents and employees from any and all liability as well as to hold them harmless to the extent outlined by law in consideration for their efforts in this regard.

Parent Signature_____

Communicable Diseases

The District is required to provide educational services to all school-age children who reside within its boundaries. Attendance at school may be denied to any child diagnosed as having a communicable disease which could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District shall rely on the advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

Management of common communicable diseases will be in accordance with Montana Department of Health guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease which is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse or other responsible person designated by the Board and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The District reserves the right to require a statement from the student's primary care provider authorizing the student's return to school. In all proceedings related to this policy, the District shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the school nurse or other responsible person designated by the Board to determine appropriate measures to protect student and staff health and safety. The school nurse or other responsible person designated by the Board, after consultation with and on the advice of public health officials, shall

determine which additional staff members, if any, have need to know of the affected student's condition.

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

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

Note: For purposes of this policy, the term "communicable disease" refers to the diseases identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.

Legal Reference: 16.28.101, et seq, ARM Communicable Disease Control

Policy History:
Adopted on: November 3, 1994
Revised on: February, 3, 2005 (number changed from 3414)

STUDENTS

Child Abuse and Neglect Policy

1. Basic Policy

All school employees shall report any case of suspected child abuse or neglect to the designated District administrator and to the Montana Department of Public and Human Services.

2. Definitions

As set forth in Section 41-3-102, MCA, the following definitions shall apply:

a.) "A person responsible for a child's welfare" means the child's parent, guardian, foster parent or adult who resides in the same home in which the child resides; a person providing care in a day-care facility; an employee of a public or private residential institution, facility, home, or agency; or any other person responsible for the child's welfare in a residential setting.

b.) "Child abuse or neglect" means actual physical or psychological harm or a substantial risk of physical or psychological harm to a child by the acts of omissions of a person responsible for the child's welfare; abandonment; or exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory.

c.) "Physical abuse" means a failure to provide basic necessities, including appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions; or a failure to provide cleanliness and general supervision, or both; or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

d.) "Physical neglect" means a failure to provide basic necessities, including appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions; or a failure to provide cleanliness and general supervision, or both; or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

e.) “Psychological abuse or neglect” means severe maltreatment through acts or omissions that are injurious to the child’s emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child’s home.

f.) “Reasonable cause to suspect” means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

g.) “Sexual abuse” means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, sexual abuse, ritual abuse, or incest.

h.) “Sexual exploitation” means allowing, permitting, or encouraging a child to engage in a prostitution offense or allowing, permitting, or encouraging sexual abuse of children.

3. Reporting

When a school employee has a reasonable cause to suspect physical or psychological child abuse or neglect, including sexual abuse or exploitation, the employee must promptly notify the Department of Public Health and Human Services, and the appropriate District administrator. Information required to be reported includes:

a. the names and addresses of the child and the parents or other persons responsible for the child’s care, including the county of residence;

b. to the extent known, the child’s age, the nature and extent of the child’s injuries, including any evidence of previous injuries;

c. any other information the reporter believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible; and,

d. the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect.

5. Penalty for Failure to Report

Any district employee who fails to report any known or suspected case of child abuse or neglect, or who prevents another person from reasonably

doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of an action, including discharge, by the Board of Trustees.

6. Immunity from Civil or Criminal Liability

   Section 41-3-203, MCA provides that anyone reporting any incident of child abuse or neglect is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

7. Remedial Action and Prevention

   The district may provide whatever remedial action, education, or training is necessary for students, staff, teachers and parents following any incidents of sexual child abuse within the schools of the district. The district may provide annual public awareness programs, parent and teacher/staff training, and programs for students on the prevention of child abuse and neglect.

Legal Reference 41-3-101, *et seq*., MCA

Policy History:
Adoption Date: February 2, 1995
Revision Date: February 3, 2005
Accepted As Procedure: June 11, 2014

Bigfork School District #38

STUDENTS 3421/5232F

Report of Suspected Child Abuse or Neglect

Date report made to Dept. of Public Health & Human Services: _____

Person making report: _____ Title: _____

Persons present when report made: _____

Name of Minor: _____ Date of Birth: _____

Address: _____ Phone: _____

Father: _____ Address: _____ Phone: _____

Mother: _____ Address: _____ Phone: _____

Guardian or
Stepparent: _____ Address: _____ Phone: _____

Student's attendance pattern: _____

The nature and extent of the child's injuries, including any evidence of previous injuries: _____

_____

Facts which support the belief that the child has suffered from abuse or neglect:
_____

_____

Other information that might establish the cause of the injuries or show willful abuse or neglect and the identity of the person or persons responsible: _____

_____

_____

Follow-up action by school officials, including date of action: _____

_____

_____

Bigfork School District #38

STUDENTS 3422

Suicide

The District may provide the following programs in order to prevent adolescent suicide by: offering and providing help and assistance including early identification; support and/or counseling by school support personnel for low-risk students; referral to appropriate sources outside the school for high and moderate-risk students; attendance to the rights of the student and his/her family; and aftercare support by the school for faculty, staff, and students after a sudden death has occurred.

Policy History:
Adopted on: November 3, 1994
Revised on: February 3, 2005

Bigfork School District #38

STUDENTS 3431

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment in case of sudden illness or injury to a student, but that further medical attention is the responsibility of the parent or guardian.

Each parent or guardian must provide an emergency telephone number where the parent or designee of the parent can be reached.

When a student is injured, staff shall provide immediate care and attention until relieved by a superior, a nurse, emergency medical service personnel, or a doctor. The principal or designated staff member should immediately contact the parent so that the parent can arrange for care or treatment of the injured student.

If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

- Isolate the child immediately from other children in a room or area segregated for that purpose.

- Inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.

- Report each case of suspected communicable disease the same day by telephone to the local health authority, or as soon as possible thereafter if no contact can be made the same day.

In the event that the parent cannot be reached, and if in the judgment of the principal or person in charge immediate medical attention is required, emergency medical services may be called, or the injured student may be taken directly to the hospital for treatment. When the parent is located, he/she may elect to continue the treatment or make other arrangements.

Legal Reference: 37.111.825, ARM Health Supervision and Maintenance

Policy History:
Adoption Date: November 3, 1994
Revision Date: February 3, 2005

Bigfork School District #38

STUDENTS 3432

Fire Drills

Fire drills will occur on a regular basis as required by state law. A record will be kept of all fire drills. Appropriate procedures for fire drills will be discussed at the beginning of the school year in class by all teachers and posted in a conspicuous place near the exit door.

Legal Reference: §§ 20-1-401 - 407, MCA Disaster drills

Policy History:
Adopted on: February 2, 1995
Revised on: February 3, 2005

Bigfork School District #38

STUDENTS 3434

Bomb Threats

Bomb threats shall be handled in accordance with the District Emergency Procedures Handbook. The Superintendent or his/her designee is responsible for ensuring that handbook procedures are followed.

Policy History:
Adoption Date: November 3. 1994
Revision Date: February 3, 2005

Bigfork School District #38

STUDENTS 3435

Emergency School Evacuation

When an emergency within the school district or its surrounding area necessitates evacuation or closure of the schools within the district, the Superintendent or his designee is responsible for making such determination. When an emergency within a school requires evacuation of the building the school principal is authorized to make the decision. All staff shall be responsible for aiding in the safe evacuation of the students within the endangered school or its surrounding area.

All evacuation procedures shall be in accordance with the Emergency Action Plan section of the District Emergency Procedure Handbook.

Policy History:
Adoption Date: November 3, 1994
1st Revision Date: July 16, 1998
2nd Revision Date: February 3, 2005

Bigfork School District #38

STUDENTS 3440

Removal of Student During School Day

Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with district procedures. Before a student is removed or excused, the person seeking to remove the student must present to the satisfaction of the superintendent or principal evidence of his/her proper authority to remove the student. A teacher shall not excuse a student from class to confer with anyone unless the request is approved by the principal. The superintendent is directed to establish procedures for the removal of a student during school hours.

Policy History:
Adoption Date: November 3, 1994
Revision Date: March 3, 2005

Bigfork School District

STUDENTS 3440P

Removal of Student During School Day

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policies 4410 and 4411.

2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Family Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.

3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.

4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.

5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.

6. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 4410 Relations with the Law Enforcement and Child Protective Agencies
4411 Investigations and Arrests by Police

Procedure History:
Promulgated on: March 3, 2005

Bigfork School District #38

STUDENTS 3442

Senior Release Privileges

Seniors will be allowed to obtain a Senior Release Privileges under the following conditions:

1. A 2.5 semester cumulative GPA must be maintained, and the student must have earned a 2.5 GPA in the previous semester

2. A student must be enrolled in five (5) credit bearing classes

3. A maximum release time for this permit is two hours

4. A complete Senior Release Agreement must be on file with the principal

5. Misuse of the privilege will result in the loss of Senior Release and a failing grade for any credit bearing courses associated with the release

6. Must be meeting all requirements that lead to graduation.

Policy History:
Adoption Date: December 1, 1994
Reviewed: February 16, 2005
Revised: May 13, 2015

School-Sponsored Student Activities

This policy shall be made available to all interested individuals upon request and posted on the District's website. Parents and families shall be provided information about the nature and purpose of student clubs and groups meeting at the school and methods to consent to participation or opt out of participation consistent with parent/family rights.

1. Student Organizations:

    a. All curricular student clubs or organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
    b. Bylaws and rules of student clubs or organizations must not be contrary to Board policy or to administrative rules and regulations.
    c. Procedures in curricular student clubs and organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.
    d. Student led and initiated non-curricular student groups may meet at school in accordance with District Policy without the sponsorship of the School District.

2. Social Events

    a. Social events must have prior approval of the administration.
    b. Social events must be held in school facilities unless approved by the administration.
    c. Social events must be chaperoned at all times.
    d. Attendance at high school social events and dances shall be limited to high school students, and middle school social events shall be limited to middle school students, unless prior permission is received from the principal.

3. Extracurricular Activities

    a. Academic and behavior eligibility rules are established by MHSA rules and District policy.
    b. The Board authorizes the administration to consider requests to approve participation in high school activities by 8th grade students in consultation with parents at the request of the advisor or coach, consistent with this policy and MHSA rules. Additional coaches or chaperons may be required at the discretion of the administration if middle school and high school students are participating together.

c. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.

d. In establishing an interscholastic program, the Board directs the administration to:

i. Open all sports to all students enrolled in the District, with an equal opportunity for participation.

Ii. Open all sports to residents of the school district and who is at least 5 years of age and not more than 19 on or before September 10 of the year in which participation in extracurricular activities is sought by such child in accordance with the provisions of this policy.

iii. Recommend sports activities based on interest inventories completed by the students.

4. Participation in District Extracurricular Activities by Unenrolled Children

a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home school meeting the requirements of section 20-5-109:

i. Is eligible to seek to participate in any extracurricular activity of the District that is offered to pupils of the district who are of the same age.

ii. Is subject to the same standards for participation as those required of full-time pupils enrolled in the school and the same rules of any interscholastic organization of which the school of participation is a member as specified in Section 3.a. and 3.b. of this policy and any related student or activity handbook provisions.

iii. Will be assessed for purposes of placement, team formation and cuts using the same criteria as used for full-time pupils enrolled in the District.

The District may prohibit or restrict the participation in extracurricular activities of a student attending a home school based on one or both of the following factors:

(i) the student's status as a United States citizen; and

(ii) the student's status as a Montana resident, as determined under the provisions of 1-1-215.

b. In cases where there is more than one school serving the same age group within District boundaries, a child under Section 4 of this policy shall be subject to the same

school zone rules applicable to full-time pupils of the District. Participation for one school for one sport and another school for another sport is prohibited.

c. The academic eligibility for extracurricular participation for a student attending a nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the head administrator of the nonpublic school. No further verification shall be required.

d. The academic eligibility for extracurricular participation for a student attending a home school as specified under Section 4.a.ii shall be attested in writing by the educator providing the student instruction with verification by the school principal for the school of participation. The verification may not include any form of student assessment.

e. Students participating in extracurricular activities under Section 4 of this policy may be considered part-time enrollees for purposes of ANB in accordance with Policy 3150, 3121, and 3121P.

5. Designation of Athletic Teams

In accordance with Sec. 20-7-1306, MCA, the District shall designate all District-sponsored athletic teams or sports as one of the following based on biological sex:

a. males, men, or boys;
b. females, women, or girls; or
c. coed or mixed.

Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.

Montana Code Annotated	**Description**
20-5-112	Participation in extracurricular activities
20-9-311	Calculation of Average Number Belonging
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education

Code of Federal Regulations	**Description**
34 CFR 100.8(c)	Procedure for Effecting Compliance

Cross References

Code	Description
2158	Parent and Family Engagement and Educational Involvement
3150	Part-Time Enrollment
3530	Student Fund-Raising Activities
3550	Student Clubs
3550-NF(1)	Student Clubs - School District Student Club Application

Policy History:
First reading on: 10/8/25
Second reading/Approved on: 11/12/25

Bigfork School District #38

STUDENTS

3515

Equipment and Uniforms

Uniforms, equipment, supplies, and accessories will be provided for both boys and girls on an equitable basis. Purchases will be made by the Athletic Director after conferring with the coach(es) involved. Purchases must be made as available finances dictate and on a responsible rotation basis. Uniforms are handed down from varsity to sub-varsity teams when feasible. Individual part of uniforms will be replaced as needed. If the Booster Club provides monetary support, it should be on an equitable basis for both male and female activities.

Policy History:
Adoption Date: August 14, 1995
Reviewed: February 16, 2005

Student Fees and Fines

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

Fees

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

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

Fines

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

Withholding and Transferring Records for Unpaid Fines or Fees

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

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

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

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

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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: 12/8/21

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Bigfork School District #38

STUDENTS 3530

Student Fund Raising Activities

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose including the collection of money by students for any purpose including the collection of money in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization may be permitted by the Superintendent providing that the instructional program is not adversely affected.

The Superintendent shall establish rules and regulations for the solicitation of funds by approved school organizations, official school-parent groups and by outside organization. The principal shall distribute these rules and regulations to each student organization granted permission to solicit funds.

Policy History:
Adoption Date: November 5, 1996
Revision Date: February 16, 2005

Bigfork School District #38

STUDENTS **3530P**

Student Fund Raising Activities

Guidelines for student fund raising activities are as follows:

1. Student participation must be voluntary.
2. The fund raising activity must be such that it is not likely to create a poor public relations image.
3. Fund raising activity efforts must not interfere with the educational program.
4. Fund raising activities conducted by associated student bodies or subgroups thereof must conform to the district student body accounting requirements. Expenditures of all student body funds must be approved by the school organization that raises the money.

5. Fund raising activities conducted by outside groups (including parent groups) may involve the official student body organizations and may utilize district materials, supplies, facilities and staff (see 7b). If student body organization involvement occurs, any moneys become student body moneys and are subject to student body accounting requirements.

6. All fundraisers must be approved by the school principal. Fund raising activities whose goal is to raise in excess of $1,000.00 must be submitted by the principal to the Superintendent for approval. Fund raising activities whose goal is to raise in excess of $1500.00 must be approved by the Board of Trustees Activities Liaison. Application for approval must include:

    a. the sponsoring group;
    b. the proposed activity;
    c. the manner in which the money is to be collected; and
    d. the purpose.

7. Principals shall provide a monthly report to the Superintendent of all fund raising activities. Reports shall include a description of the activity, the sponsor, and the sponsoring organization.

8. Any outside group other than an official school-parent group must have the building principal=s approval before conducting fund raising activities within a school or schools. Such outside organizations or persons seeking to raise funds from or through students or at school sponsored activities:

    a. must have the building principal=s permission one week in advance.
    b. may use school materials, supplies, facilities, or staff if school costs are completely reimbursed.
    c. may display a sign announcing a fund raising activity.

Policy History:
Promulgation Date: November 5, 1996
Revision Date: February 16, 2005
Revision Date: January 19, 2006
Revision Date: January 3, 2022

Bigfork School District

STUDENTS 3535

Distribution of Fund Drive Literature Through Students

Although many community drives are organized for raising funds for worthy nonprofit causes, it is the policy of the District to refrain from having the students, as student body members, used for such collection or dissemination purposes.

Exceptions to this policy will be considered when recognized student or school-affiliated organizations of the District request permission to participate in such activity.

Cross Reference: 4320 Contact with students

Policy History:
Adoption Date: March 3, 2005

Missing Children

I. Responsibility of School District:

A. Pursuant to §44-2-506, MCA, it shall be the responsibility of the school district superintendent or designee to distribute the list of missing school children provided by the State Superintendent of Public Instruction to each school building within the district. This list will be placed on an appropriate bulletin board accessible to faculty and other staff members.

B. In the event staff members suspect that a missing child is enrolled in the school, they shall notify the appropriate building principal and/or district superintendent immediately.

C. The district superintendent or designee shall notify the county attorney's office or the sheriff's department.

II. Responsibility of Parent/Guardian

A. Parents, guardians, or legal custodians of school children must report the following information to the building principal.

1. In the event the child will be absent from school, the parent shall report that absence to the building principal and/or designee in accordance with board policy 3122 and the student handbook.

2. The parent shall report the absence of the child every day the child is absent from school unless the length of the absence can be predetermined.

3. Parents, guardians, or legal custodians will provide a telephone number where they may be contacted in the event of an emergency or when the child is absent from school.

4. In the event the parent does not maintain a home telephone, he/she shall provide an alternative telephone number where they may be contacted if their child is absent from school.

III. Responsibility of Building Principal or Designee:

A. When a parent, guardian, or legal custodian notifies a school that a child will be absent from school, the building principal and or designee shall log the date and person from whom the call came.

B. In the event a parent, guardian, or legal custodian fails to notify the school of the child's absence, the building principal and/or designee shall attempt to contact the parent, guardian, or legal custodian as follows:

1. The principal or designee will attempt to telephone the parent, guardian, or legal custodian at the residential or alternative telephone number provided under II, A, 3 or 4 above.

2. If the school official is unable to make telephone contact with the parent, guardian, or legal custodian after three school days, he/she shall mail a written notice to the parent, guardian or legal custodian indicating the child's absence from school on those dates. The letter will indicate that an attempt was made to make telephone contact during the days the child was absent from school.

3. If the school official suspects foul play, he/she shall immediately notify the district superintendent and/or appropriate law enforcement agency.

Legal reference: §44-2-501 MCA, Short Title
§44-2-511 MCA, School Enrollment procedures to aid identification of missing children

Policy History:
Adoption Date: November 5, 1996
Revision Date: March 3, 2005

Bigfork School District #38

STUDENTS 3600

Student Records

School student records are confidential, and information from them will not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records.

The District will ensure information contained in student records is current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services will be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents will have the right to object to release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the school not to release this information.

The Superintendent will implement this policy and state and federal law with administrative procedures. The Superintendent or designee will inform staff members of this policy and inform students and their parents of it, as well as of their rights regarding student school records.

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99

§ 20-1-212, MCA	Destruction of records by school officer.
§ 20-5-201, MCA	Duties and sanctions
§ 40-4-225, MCA	Access to records by parent
10.55.909, ARM	Student Records
No Child Left Behind Act of 2001, P.L. 107-334	

Policy History:
Revised on: September 18, 2013
Adopted on: June 11, 2014

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Student Records

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

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

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

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

The cumulative record may include:

Intelligence and aptitude scores
Psychological reports
Participation in extracurricular activities
Honors and awards
Teacher anecdotal records
Verified reports or information from non-educational persons
Verified information of clear relevance to the student's education
Information pertaining to release of this record
Disciplinary information

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

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

   "Eligible" students, who are eighteen (18) years of age or older, have the right to inspect and copy their permanent record. Parents/guardians or "eligible" students should submit to the school principal (or appropriate school official) a written request identifying the record(s) they wish to inspect. The principal will make, within forty-five (45) days, arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place the records may be inspected. The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.

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

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

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

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

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

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

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

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

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

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4. **The right to a copy of any school student record proposed to be destroyed or deleted.**

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

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

Student's name
Address
Telephone listing
Electronic mail address
Photograph (including electronic version)
Date and place of birth
Major field of study
Dates of attendance
Grade level
Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Degrees
Honors and awards received
Most recent educational agency or institution attended

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

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

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

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

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

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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

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Bigfork School District 38

Annual Notice for Disclosure of School Directory Information

Dear Parent/Guardian:

The Family Educational Right and Privacy Act (FERPA) is a federal law that requires the school district, with certain exceptions, to obtain your written consent prior to the disclosure of personally identifiable information from your child's educational records. However, the school may disclose some student information without written consent when the information is designated "Directory Information" unless you have advised the district to the contrary in accordance with District procedures. The District may make available, upon request only, to various organizations, agencies, and institutions the following categories of information regarding students:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution

Examples of circumstances in which directory information is disclosed to the public include:

- School yearbook
- Team rosters and class lists
- Graduation, theater, athletic, and music programs
- Videos of performances, school activities, and athletic events
- Articles about school activities and athletic events
- Lists of those receiving honors, awards, and scholarships

The types of publications listed above will be available to anyone within the school community and to the general public (including the media) unless you complete one or more of the opt out sections. **If the School does not receive this form by October 8th, 2014, we may release your child's Directory Information.**

Parent: ONLY complete and return this entire form IF you DO NOT give consent for release of School Directory Information. Use a separate form for each child and return it to your child's campus counselor.

☐ **A. OBJECTION TO RELEASE ANY DIRECTORY INFORMATION (COMPREHENSIVE OPT-OUT)**

Student's Name: _____

I object *to the release of directory information about my student. I understand this means exclusion from school documents that typically are made public, such as yearbooks, graduation programs, honor roll and other recognition lists, and sports activity and theatrical programs. I also understand that this means exclusion of my student's name, address and phone number from the school directory, from other documents relating to school-related organizations and activities, and from county agencies. Finally, I understand this means that my student will not be included in District videotape, audio recordings, television, and still photograph productions, and news media interactions.*

Parent/Guardian Signature:_____Date:_____

☐ **B. OBJECTION TO RELEASE SPECIFIC DIRECTORY INFORMATION (LIMITED OPT-OUT)**

Student's Name: _____

I object *to the release of directory information about my student for the following purpose.* ***Please mark all that apply.***

- ☐ Release of Photos and other images in District Productions
- ☐ Release of information to Colleges, Universities, or Institutions of Higher Learning
- ☐ Release of information to military recruiters

Parent/Guardian Signature:_____Date:_____

Student Records

Maintenance of School Student Records

The District maintains two (2) sets of school records for each student – a permanent record and a cumulative record.

The permanent record will include:

Basic identifying information
Academic work completed (transcripts)
Level of achievement (grades, standardized achievement tests)
Immunization records (per § 20-5-406, MCA)
Attendance record
Record of any disciplinary action taken against the student, which is educationally related

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:

Intelligence and aptitude scores
Psychological reports
Participation in extracurricular activities
Honors and awards
Teacher anecdotal records
Verified reports or information from non-educational persons
Verified information of clear relevance to the student's education
Information pertaining to release of this record
Disciplinary information
Camera footage only for those students directly involved in the incident

Information in the permanent record will indicate authorship and date and will be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building principal will be responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with District procedure established by the Superintendent.

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Access to Student Records

The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.

2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child's school records. Such requests will be made in writing and directed to the records custodian. A parent of any student is allowed to view the footage but is not permitted to receive a copy unless the parents of the other involved students provide consent. Consent from parents of students in the background is not required. Access to the records will be granted within fifteen (15) days of the District's receipt of such request.

   Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

   a. Academic progress reports or records;
   b. Health reports;
   c. Notices of parent-teacher conferences;
   d. School calendars distributed to parents/guardians; and
   e. Notices about open houses and other major school events, including student-parent interaction.

   When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student.

   Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third

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parties under contract with the District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District may grant release of a child's education records to child welfare agencies without the prior written consent of the parents.

6. The District will grant access to or release information from a student's records pursuant to a court order, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.

7. The District will grant access to or release information from any student record, as specifically required by federal or state statute.

8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the Superintendent. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.

10. Prior to release of any records or information under items 5, 6, 7, and 8, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the

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health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.

13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).

14. The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship.

15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:

    a. Information released or made accessible.
    b. Name and signature of the records custodian.
    c. Name and position of the person obtaining the release or access.
    d. Date of release or grant of access.
    e. Copy of any consent to such release.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

Student's name
Address
Telephone listing
Electronic mail address
Photograph (including electronic version)
Date and place of birth
Major field of study
Dates of attendance
Grade level

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Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Degrees
Honors and awards received
Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

Student Record Challenges

The parents may challenge the accuracy, relevancy, or propriety of the records, except: (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;
- The right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R. 99 (2011)	
	§ 20-5-201, MCA	Duties and sanctions
	§ 40-4-225, MCA	Access to records by parent
	§ 41-5-215, MCA	Youth court and department records – notification of school
	10.55.909, ARM	Student records

Procedure History:
Promulgated on:
Reviewed on:
Revised on: September 18, 2013

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Bigfork School District #38 **R**

STUDENTS **3608**

Receipt of Confidential Records

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

The Board authorizes the Administration team to receive information with respect to a District student who is a client of the Department of Public Health and Human Services.

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

Cross Reference: 3600 - 3600P Student Records

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

Policy History:
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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STUDENTS

Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

A. One or more criminal acts; or

B. Acts which threaten the safety or well-being of property or persons, including, but not limited to, harassment and intimidation; or

C. Acts which result in a disruption of the educational process.

Students on school property or at any school-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;

2. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or

3. Engage in any act furthering the interest of any gang or gang activity, including, but not limited to:
    a. Soliciting membership in or affiliation with any gang;
    b. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
    c. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
    d. Engaging in violence, extortion, or any other illegal act or other violation of school property.
4. Engage in gang related activity of any type that results in a disruption of the educational process

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Policy History:
Adopted on: August 14, 2000

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

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

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

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

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

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

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All EIS users shall strictly adhere to the following requirements:

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

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

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

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

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

Each student EIS user shall be required to sign an EIS Student User Agreement. A signature is required on the EIS Student User Agreement before a user account will be issued. Details of the EIS Student User 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: 12/8/21

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

(APPROPRIATE USE OF ELECTRONIC INFORMATION SERVICES)

ELECTRONIC INFORMATION SERVICES STUDENT USER AGREEMENT

The use of the District's Electronic Information Services, including the Internet and electronic mail, by students is a privilege. Inappropriate use will result in cancellation of these privileges and may result in disciplinary action. Additionally, if inappropriate use violates the law, appropriate law enforcement entities will be notified.

Students who use the District's Electronic Information Services should not expect that communications or information sent, retrieved of stored via EIS will be private. The District has the right to review all files and communications and monitor system utilizations at any time without notice or permission. The District may close accounts and review and delete files at any time.

Students using Electronic Information Services must strictly adhere to all user requirements set forth in Governing Board Policy #3612.

I have read Governing Board Policy #3612. I understand and will abide by all of the provisions and conditions set forth in that policy. I understand that any violations of the policy will result in revocation of my user account and may result in disciplinary action.

NAME: _____ SCHOOL: _____

SIGNATURE: _____ DATE: _____

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

(APPROPRIATE USE OF ELECTRONIC INFORMATION SERVICES)

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I have read Governing Board Policy #3612. I understand and will abide by all of the provisions and conditions set forth in that policy. I understand that any violations of the policy will result in revocation of my user account and may result in disciplinary action.

NAME:_____ SCHOOL:_____

SIGNATURE:_____ DATE:_____

Bigfork School District #38

STUDENTS 3630

Cell Phones and Other Electronic Equipment

Students may not use cellular phones or cellular devices, pagers, and other electronic signaling devices on campus at any time except as provided for herein. Students may use cellular phones or cellular devices, pagers, and other electronic signaling devices on campus before school begins and after school ends. Students in grades 9-12 may also use such devices during their lunch period. These devices must be kept out of sight and turned off during the instructional day. Unauthorized use is grounds for confiscation of the device by school officials, including classroom teachers. Repeated unauthorized use of such devices will result in disciplinary action. Building-level administrators may grant permission for individual students to use and/or possess cellular phones, if, in the sole discretion of the administrator, such use is necessary to the safety and/or welfare of the student.

Policy History:
First reading on: 8/16/23
Second reading/Adopted on: 8/23/23

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Bigfork School District #38

COMMUNITY RELATIONS 4000

Goals

The Board, through the leadership of the Superintendent and with the assistance of the total staff, will seek to enhance the District=s community relations by striving to achieve the following goals:

1. To encourage and enhance communications, understanding, trust, and mutual support between the District and the people it serves;

2. To increase both the quality and quantity of public participation in school affairs, activities, and programs;

3. To strengthen and improve relations and interactions among staff, trustees, citizens, parents, and students;

4. To promote understanding and cooperation between the schools and community groups.

Legal Reference :	10.55.701, ARM	Board of Trustees
	10.55.801, ARM	School Climate

Policy History:
Adopted on: October 18, 2006
Revised on:

Bigfork School District #38

COMMUNITY RELATIONS **4110**

Superintendent's Annual Report: District Assessment

Following the end of the school year, the superintendent will prepare and present an annual District Assessment to the Board and make it available to staff and community. This report will address the status of the District-approved goals that were established for the school year.

Cross Reference:	1610	Annual Goals and objectives
Legal Reference:	10.55.202(2), ARM	Board of Trustees

Adoption Date: 12/1/94

Rewrite on: 8/11/97

Revised: 7/16/98

Bigfork School District #38 **R**

COMMUNITY RELATIONS **4120**

Public Relations

The District will strive to maintain effective two-way communications with the public to enable the Board and staff to interpret schools' needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

The Superintendent will establish and maintain a communication process within the school system and between it and the community. Such public information program will provide for news releases at appropriate times, arrange for media coverage of District programs and events, provide for regular direct communications between individual schools and the citizens they serve, and assist staff in improving their skills and understanding in communicating with the public.

The District may solicit community opinion through parent organizations, parent-teacher conferences, open houses, and other events or activities which may bring staff and citizens together.

Legal Reference: Art. II, Sec. 8, Montana Constitution - Right of participation
Art. II, Sec. 9, Montana Constitution - Right to know

Policy History:
Adopted on: 10/18/2006
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bigfork School District #38

COMMUNITY RELATIONS **4220**

Citizen Study/Advisory Committees

The superintendent and/or Board may appoint a citizen's committee as is necessary to establish interaction with the community about selected issues. The committee shall study specific school matters as outlined by the superintendent and/or Board and submit their findings or recommendations to the superintendent for presentation to the Board.

The intent of this policy is to provide a method for the superintendent and/or Board to gather public input to be used in the decision making process. Appointed committees will serve in an advisory capacity only. The board reserves all decision making authority.

Cross Reference 1130

Policy History:
Adopted On: October 18, 2006

Bigfork School District #38

COMMUNITY RELATIONS **4222**

Fund-Raising by School Support Groups Involving Students

Fund-raising by school support groups such as booster clubs, parent councils, and the like are considered a usual and desirable part of the function of such groups where students or student groups participate in fund raising activities. The specific fund-raising activities must be approved in advance by the principal, superintendent or the Board of Trustees Activities Liaison and must be consistent with Policy #3530 and Procedure #3530P pertaining to student fund raising.

The school principal shall approve all expenditures of such funds generated under this policy. All such funds raised by school adjunct groups are to be used for the direct or indirect support of school programs. Equipment purchased by support groups and donated to the schools becomes the property of the Bigfork Public Schools and may be used or disposed of in accordance with District policy and state law. Accounting for all approved fund raisers shall be supervised and maintained by the District Business Office.

Bigfork Schools will provide equity considerations and information to the Booster Club to enhance its awareness in making decisions with respect to the activity programs in Bigfork Schools. Coaches, advisors, the activities director and the administrators shall be aware of equity considerations in relationship to the Booster Club and its activities.

Students Not Involved
Independent fund raising activities by individuals or groups that do not involve official student participation and do not or occur on school property are not subject to the requirements of this policy. Such individuals or groups are wholly responsible for the accounting and dissemination of funds generated.

Settlement Agreement between Ridgeway vs MHSA 1984/85

Policy History:
Adoption Date: August 14, 1995
Revised on: February 6, 1997
Revised on: October 18, 2006
First reading on: 1/12/22
Second reading/Adopted on: 2/9/22

Bigfork School District #38

COMMUNITY RELATIONS **4222P**

Fund-Raising by School Groups

A. School groups are often involved in many types of fund-raising designed to benefit school programs. The types of activities vary widely and include, but are not limited to sales of T-shirts, caps, candy, cookies, pizza, magazines, cookbooks and the like, school carnivals, book fairs, and raffles. These fund-raising activities must conform to the following guidelines:

1. The fund-raising activity must be approved by the school principal.
2. The fund-raising activity must not interfere with the educational programs.
3. Any student participation must be purely voluntary. Door-to-door solicitation by students in grades K – 8 is not permitted.
4. There must be a specific purpose or objective in the fund-raising project.
5. The number of sales or fund-raising activities in any school should be limited to a few each year.
6. The purpose of the fund-raising effort must be well publicized to parents and other citizens.
7. The fund-raising activity must be such that it is not likely to create a poor image for the school group or the school district.
8. If a license or permit is required by local or state agencies for the fund-raising activity, the license or permit must be obtained in advance by the school group.
9. Principals of each building will keep each other and the superintendent apprized of fund raising activities before approving specific fund raising activities. This is to prevent duplication, and/or too many activities at one time. A Calendar of Activities will be created and up-dated weekly by the building administrators.
10. Whenever possible, students should offer goods or services rather than ask for direct donations.

Policy History:
Promulgation Date: 7/15/97

Bigfork School District #38 **R**

COMMUNITY RELATIONS **4310**

Public Complaints and Suggestions

While the Board places trust in its staff and desires to display support for their efforts in a manner that discourages unjustified complaints, the Board recognizes that perceptions concerning activities of school personnel will generate justified as well as unjustified criticisms and complaints from the community. The Board expects the majority of complaints to be resolved at the lowest level of the administrative chain and that this policy will not deter the receipt or resolution of minor unwritten complaints by staff and administration.

Whenever a complaint is received by a member of the Board, it shall be referred to the Superintendent. The Board member will advise the constituent of the formal complaint process and forms. Upon receipt of complaints by the Superintendent from the members of the Board or the public, students, or other employees, the Superintendent or his designee will be responsible for the investigation of the actual basis for the complaint and develop possible solutions to alleviate the basis of concern. The Superintendent will take charge of investigations where the complainant alleges staff misconduct of a criminal nature or other unprofessional conduct where the Board may ultimately be involved in an official capacity. The investigation will provide the individual employee complained of the opportunity and sufficient time to explain, comment and present the employee's perception of the events. During this investigation, the Superintendent or his designee will be responsible for ensuring that the employee has that due process, and the procedures accorded shall be consistent with the nature and seriousness of the complaint. Confidentiality requirements shall be maintained at all times. When the complaint investigation is handled at lower administrative levels, all complaint findings, conclusions and corrective actions shall be forwarded to the Superintendent for review.

While it is the responsibility of the Superintendent to keep the Board advised as to the general concerns of the public concerning the staff, it is also recognized that provision of extensive information concerning alleged transgressions of an employee to the Board may jeopardize the employee's eventual right to a due-process hearing should one become necessary. Therefore, so as not to raise issues concerning an unbiased tribunal, the Board will not expect, nor will the Superintendent provide the Board with, specific detail on any investigation of a complaint when it is perceived that the Board will become the final arbiter of the complaint or the employee's continued status with the district. With the exception of complaints concerning the Superintendent and except as provided in this policy, the Board shall not receive or consider complaints about other employees either in a formal meeting or individually. For other employees the Board will be advised by the Superintendent at such time as the Superintendent determines that Board action is required to resolve the matter.

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District administrator. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from any decision of the Board.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 04/06/2000
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bigfork School District # 38

PERSONNEL **4310P**

Public Complaints Concerning School Personnel

Required information concerning complaint:

- The name(s) of the person(s) making the complaint.
- Whether the person(s) making the complaint represents an individual or a group.
- Whether the person(s) making the complaint has discussed the problem with the employee in question.
- Whether the person(s) making the complaint has discussed the problem with the immediate supervising administrator.
- A summary of the complaint(s) and of the above three items.

Processing of complaint(s) following written summation:

- The superintendent or his designee shall determine the appropriate administrative level for the handling of the written complaint

- The written complaint shall be presented to the employee toward whom it is directed, by the administrator handling the complaint.

- The employee will have a minimum of five (5) working days in which to reply to the complaint. The Superintendent recognizes that circumstances will arise in which fairness will require the employee to have more than five (5) days to respond to a complaint. In such situations, the Superintendent shall not hesitate to allow such additional time as the circumstances would require.

- If the complaint is not resolved between the originator of the complaint and the employee, the complaint shall be returned to the Superintendent.

- The Superintendent shall have sufficient time to resolve the situation with all parties involved.

- The complaint and resolution shall be filed in the employee's personnel file and in a file under the name of the complainant.

- It is the responsibility of the Superintendent to keep the Board informed in a general manner as to the progress toward resolution of this type of complaint unless it is clear that the Board will act as the final arbiter and needs to remain unbiased. In this case the Superintendent will advise only the Board chairperson as to the complaint and the anticipated Board involvement.

Adopted on: 4/6/00
Revised on:

Bigfork School District #38

COMMUNITY RELATIONS **4311**

Visitors

The District welcomes and encourages visits to school by Board members, parents, and citizens. All visitors shall report to the office of the Superintendent or building Principal prior to the visitation. Visitor passes will be provided as appropriate and worn by the visitor while on campus. The building Principal may assign a visitor escort as needed.

Conferences or meetings with school teaching staff should be prearranged and held outside school hours or during the teachers' preparation time. Meeting with administration or supervisors should also be prearranged and scheduled as convenient.

The Superintendent has the authority to prohibit the presence of any visitor or potential visitor on school district property for good cause. Reasons for denying presence on campus include, but are not limited to, arrest or conviction for criminal violations, previous disruptive incidents on campus, or threats towards staff or students.

The Superintendent shall provide notice to the prohibited individual in writing or through law enforcement authorities. The prohibited individual may appeal the Superintendent's action to the Board of Trustees. The Board has the discretion as to whether or not it will hear the appeal.

Policy History:
Adoption Date: December 1, 1994
Revision Date: September 7, 2000
2nd Revision: October 18, 2006
3rd Revision: August 14, 2008

Bigfork School District #38

COMMUNITY RELATIONS 4313

Disruption of School Operations

The staff member in charge will immediately notify local law enforcement authorities, if any person disrupts or obstructs any school program, activity, or meeting or threatens to do so, or commits, threatens to imminently commit, or incites another to commit any act that will disturb or interfere with or obstruct any lawful task, function, process, or procedure of any student, official, employee, or invitee of the District.

The staff member in charge will make a written report detailing the incident no later than twenty-four (24) hours after the incident occurs. A copy of the report will be given to the staff member=s immediate supervisor.

Cross Reference: 4311 Visitors

Legal Reference:	' 20-1-206, MCA	Disturbance of school - penalty
	' 20-5-201, MCA	Duties and sanctions
	' 45-8-101, MCA	Disorderly conduct

Policy History:
Adopted on: October 18, 2006
Revised on:

Bigfork School District #38

COMMUNITY RELATIONS **4315**

Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events

Any person, including an adult, who behaves in an unsportsmanlike manner during an athletic or co-curricular event may be ejected from the event the person is attending and/or denied admission to school events. Examples of unsportsmanlike conduct include, but are not limited to:

- Using vulgar or obscene language or gestures;
- Possessing or being under the influence of any alcoholic beverage or illegal substance;
- Possessing a weapon;
- Fighting or otherwise striking or threatening another person;
- Failing to obey the instructions of a security officer or school district employee; and
- Engaging in any activity which is illegal or disruptive.

The Superintendent, or his designee, may deny future admission to any person by delivering or mailing a notice, sent by certified mail with return receipt requested, containing:

- A description of the unsportsmanlike conduct;
- The proposed time period that admission to school campus will be denied;
- The consequences of violating the order.

Legal references:	§20-4-303, MCA	Abuse of teachers
	§20-1-206, MCA	Disturbance of school
	§45-8-101, MCA	Disorderly conduct

Policy History
Adopted on: 2/7/02
Revised on:

Bigfork School District #38 **R**

COMMUNITY RELATIONS **4316**

Accommodating Individuals With Disabilities

Individuals with disabilities will be provided opportunity to participate in all school-sponsored services, programs, or activities on a basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date (*for districts having fifty (50) or more full- or part-time employees*).

2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the Superintendent or building principal if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or of federal law by reporting it to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

Policy History:
Adopted on: 10/18/2006
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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Bigfork School District #38

COMMUNITY RELATIONS 4320

Contact with Students

Students are entrusted to the schools for educational purposes. Although educational purposes encompass a broad range of experiences, school officials must not assume license to allow unapproved contact with students by persons not employed by the District for educational purposes. Teachers may arrange for guest speakers on appropriate topics relative to the curriculum. Principals may approve school assemblies on specific educational topics of interest and relevance to the school program. The District normally does not permit other types of contact by non-school personnel.

The District will not allow access to the schools by outside organizations desiring to use the captive audience in a school for information, sales material, or special interest purposes.

Policy History:
Adopted on: October 18, 2006
Revised on:

Bigfork School District

COMMUNITY RELATIONS 4321

Distribution of Fund Drive Literature Through Students

It is the policy of this District to refrain from having the students, as student body members, used for collection or dissemination purposes.

Exceptions to this policy will be considered when recognized or student or school-affiliated organizations of the District request permission to participate in such activity.

Policy History:
Adopted on: October 18, 2006
Revised on:

Bigfork School District #38 **R**

COMMUNITY RELATIONS **4330**

Community Use of School Facilities

School facilities may be available to the community for educational, civic, cultural, and other noncommercial uses consistent with the public interest, when such use will not interfere with the school program or school-sponsored activities. Use of school facilities for school purposes has precedence over all other uses. Persons on school premises must abide by District conduct rules at all times.

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The Superintendent will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires the Superintendent's approval and is subject to the procedures.

The Superintendent's office will approve and schedule various uses of school facilities on terms as dictated by the Administration or Board. A master calendar will be kept in the District Office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the Superintendent's office in advance of the event.

If using 4330F - The School Facilities and Grounds Use and Liability Release Agreement can be obtained by contacting the District Office. The School Facilities and Grounds Use and Liability Release Agreement must be completed, signed, and returned to the District Office prior to the use of the facilities or grounds.

If using 4330F1 - The requesting organization or individual must complete, sign, and return an "assumption of risk" statement prior to the use of the facilities or grounds.

Cross Reference;	4330F	School Facilities and Grounds Use and Liability Release Agreement
	4330F1	Assumption of Risk Form
Legal Reference:	§ 20-7-805, MCA	Recreational use of school facilities secondary
	Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141	

Policy History:
Adopted on: 01/18/1995
Revised on: 09/07/2000, 11/16/2006
First reading on: 11/10/21
Second reading/Adopted on: 12/8/21

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BIGFORK SCHOOL DISTRICT #38 4330 F1
FACILITY USE CONTRACT

Permission to use the facility described below has been (granted/denied) by (Superintendent/Facilities Director). If granted, it will be the explicit understanding that all conditions and regulations incorporated in this application must be fully complied with. **The superintendent of schools reserves the right to revoke this permit for cause or if it interferes with some activity or function of the school.**

NAME OF ORGANIZATION:_____PERSON IN CHARGE:_____

MAILING ADDRESS:_____ PHONE NO._____

AREA TO BE USED:_____

ROOM(S)_____

DATE(S) REQUESTED:_____

TIME: FROM_____ TO _____, INCLUDES SET-UP AND TAKE DOWN

FOR WHAT PURPOSE OR BENEFIT?_____

WILL ADMISSION BE CHARGED?_____

IF OTHER PROPERTY OR EQUIPMENT IS DESIRED, STATE FULLY:_____

_____

_____

[*FOR OFFICE USE ONLY]*

CHARGES:

Hold Harmless Agreement: Signed, dated and attached _____; COVID-19_____

Is there an amendment to this agreement?_____ Attached?_____

Certificate of Liability Insurance (Showing School District #38 as additional insured and must include a 30 day cancellation notice) attached _____

If Certificate of Liability is not included, Superintendent's approval and signature is required _____

Group will use District provided insurance policy _____

Worker's comp certificate and/or individual contractor's exemption attached_____

Charge for security:_____

Charge for facility:_____

Charge for district provided insurance: _____

Charge for Custodian: (Min. 4 hrs)_____

Deposit for key(s) released ($2.00 ea.)_____

Other charges:_____

TOTAL CHARGES DUE ***PRIOR*** TO USE:

KEYS ASSIGNED

Key(s) assigned:_____
Facility:_____
To:_____
Date Out_____Initials:____/_____
Date In_____Initials:____/_____

_____

_____

_____

_____

All keys providing access to the building will be obtained on the last school or business day prior to its use and returned on the first school or business day following its use. Key(s) not returned will result in another day's rent for each day keys are not returned.

I have read all regulations provided and agree to abide by them. If additions or deletions are related to this agreement, they will be in writing and signed by both parties and attached to this agreement as an amendment. Any deviation from specific areas being rented by the above party could result in revocation of this agreement in addition to accessorial rent and cleaning charges. Any or all damages caused to the facility by the renting party will be charged back to the renting party for repairs and/or replacement. I understand that food and drink is not allowed outside the cafeteria area.

Date Paid:_____ Cash:_____ Check No. _____
Rec'd by:_____

Renting Party Representative _____ School District Representative _____

HOLD HARMLESS AGREEMENT

Comes now, _____ Individually or as a duly authorized agent of _____ utilizing the facilities owned by School District #38, location on 600 Commerce Street, Bigfork, MT.

The undersigned further acknowledges that he or she has examined the premises described above, and that said premises are suitable for the purposes for which the undersigned intends to use the property.

The undersigned on behalf of Him/Herself individually or on behalf of _____, an organization, hereby indemnifies and holds the school district harmless for any damages that may occur on said premises while the undersigned is using property.

Dated this_____ Day of _____, 20_____.

_____
Individual or authorized representative
of organization

Use of School Facilities

Application for use of any school facility shall first be through the School District Office. The District Secretary shall be responsible for developing a request form and contract outlining the following requirements for use of school owned facilities.

The superintendent shall determine a fee schedule applicable for the use of school facilities. The fee schedule shall be evaluated on a annual basis. For rental rate purposes, the organizations seeking the use of the school facility have been divided into three categories:

Category 1 Groups in this category are basically community groups (church or secular) whose memberships involve school-age children whose leaders or advisors are non-paid adults and whose main purpose is to in some way educate the youngster member. These groups will not be charged a rental fee for the use of the buildings. However, they will be charged custodial, kitchen or insurance fees should their use of the facility require liability insurance coverage or man-hours beyond those which the employee would have needed had the building not been used by the community group. No charge will be made for any school activities including P.T.A., Parent Advisory Councils, Booster Clubs, and university classes requested by the district - nor for district, city, county, state or national election voting places. Also, no charge for non-profit organizations such as the QRU, Fire Department, or Red Cross when used for activities directly related to their community service.

Category 2 This category includes all community non-profit organizations with IRS Section 501 (c)(3) status (IRS numbers) and community groups of people who wish to use facilities owned by the school district for lectures, promotional activities, political rallies, entertainment, college courses, athletic groups, exercise groups, dance groups, church services or other activities for which public halls or commercial facilities generally are rented. The district shall charge a rental rate which will recover utility, capital expense, maintenance, energy and overhead costs for the use of the facility. Should there be custodial costs incurred as a result of the use, custodial costs will also be charged.

Category 3 This group shall include all for-profit organizations not listed in #1 or #2 and non-profit organizations from outside the community. Charge for the use of school facilities in the Category 3 groups shall be double that charge for Category 2 above. The charge for custodial fees shall be at 110% of Category 2 above.

Sponsoring organizations and groups using facilities shall provide sufficient competent help and/or special supervision, and the amount of adequate supervision shall be agreed on at the time the contract is issued. Alcoholic beverages, tobacco products, including electronic smoking devices, illegal drugs or dangerous weapons are not permitted in school facilities or on school property at any time. All applicants for use of school facilities shall hold the district free and without harm from any loss, damage or liability of expense that may arise during or be caused in any way by such use or occupancy of school facilities. In the event that property loss or damage is incurred during such use or occupancy, the amount of damage shall be decided by the Superintendent and the bill for damages shall be presented to the group using or occupying the facility during the time the loss or damage was sustained.

Because of the value of the district's playing fields and the community's total recreational opportunity, the fields may be used by all residents. Use must be appropriate and compatible with each playing field and its surrounding area. Such use shall not result in destruction, damage or undue wear or pose a hazard to children or others. Activities which endanger others or cause damage to fields and lawns are prohibited. Should damage to fields or lawns occur, the Superintendent shall make a reasonable effort to obtain restitution for the damage.

The district reserves the right to require any groups to supply liability insurance, with the district named as additional insured for an amount specified by the Superintendent. User groups will be required to provide proof of $1,000,000 liability coverage, or remit payment for liability insurance coverage through an optional umbrella policy if provided by the district.

The district reserves the right to require a custodian or other authorized staff member to be on the premises when any non-school group is using the school buildings.

Use of the kitchen facilities by community groups will be kept to a minimum. In the event that approval for use is granted, a food service staff member must be in attendance at the time the kitchen is in use in addition to opening and closing the kitchen facility. Cleaning fees will be the same as the custodial fees listed below in number 3. This person shall be paid at 1.5 of the hourly rate.

The Superintendent has the authority to make the final decision on use of school facilities by any group. All charges are based on a one hour use and are the minimum charges. All fees are to be paid and receipted in the District Office.

Hourly Rate Schedule:

	Group I	Group 2	Group 3
Gymnasium	No Charge	$15.00	$30.00 (minimum)
Home Ec.	No Charge	$10.00	$20.00 (minimum)
Classroom	No Charge	$5.00	$10.00 (minimum)
Lunchroom	No Charge	$5.00	$10.00 (minimum)
Main Kitchen	No Charge	$10.00	$20.00 (minimum)
Community Room	No Charge	$15.00	$30.00 (minimum)
Fields	No Charge	No Charge	Negotiate

The following custodial fees apply:

1. Hourly rate X 2 when the custodian is required to open and close the building but is not required to supervise the activity.
2. Hourly rate per hour when a substitute custodian can be hired to clean an area after use.
3. When a custodian is required to open, clean, and close an area, they will receive the overtime rate. He/she must arrive one-half hour before the meeting starts, supervise lighting, heating, ventilation, supervise appropriate building use, and secure the building at the close of the meeting.

Other Rules:

When a building or room is used, sufficient supervision, including security personnel as needed, must be present to insure good order and shall be provided by those using the building. Good order in this instance is interpreted to mean protection of property, observance of all regulations, and an absence of people wandering into parts of the building other than those contracted for.

No school equipment shall be removed from the school premises for use by an outside agency or individual unless approved by the building principal.

School tables and chairs may be used by individuals or community organizations that are formally organized provided that they are requested from the building principal in writing for a special occasion and such event does not inconvenience the school program.

Only a custodian, administrator, or teacher may allow admittance to any building. Keys are not to be given to a representative of a group using the area unless granted by the Superintendent or his designee.

Each group is to use its own equipment, not that of the school unless special arrangements are made in advance. Under no conditions shall materials or equipment be taken from student lockers or desks.

Each group is responsible to see that only its members are admitted.

Proper and accepted footwear shall be worn to insure care of gym floors. Use of the gym can be canceled immediately if not observed.

Flathead Valley Community College is allowed to use District #38 facilities (not equipment) free of charge as a community service. Use of equipment will be negotiated with building principals.

Promulgation Date: January 6, 1999
Revision Date: November 16, 2006
Revision Date: September 28, 2009
Revision Date: December 13, 2017

Bigfork School District #38

COMMUNITY RELATIONS 4331

Use of School Property for Posting Notices

Non-school related organizations may request permission of the building principal to display posters in the area reserved for community posters or to have flyers distributed to students.

Posters and/or flyers must be student oriented and have the sponsoring organization=s name prominently displayed. The District will not permit the posting or distribution of any material that would:

1. Disrupt the educational process;

2. Violate the rights of others;

3. Invade the privacy of others;

4. Infringe on a copyright; or

5. Be obscene, vulgar, or indecent.

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings. No information from any candidates for non-student elective offices shall be posted in the school, except on election day, or distributed to the students.

If permission is granted to distribute materials, the organization must arrange to have copies delivered to the school. Distribution of the materials will be arranged by administration.

Policy History:
Adopted on: October 18, 2006
Revised on:

Bigfork School District #38

COMMUNITY RELATIONS 4332

Conduct on School Property

In addition to prohibitions stated in other District policies, no person on school property shall:

1. Injure or threaten to injure another person;

2. Damage District or private property;

3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;

4. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess dangerous weapons at any time;

5. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;

6. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property.

7. Enter upon any portion of the school premises at any time for purposes other than those which are lawful and authorized by the Board;

8. Willfully violate other District rules and regulations;

9. Use fireworks, explosives, or incendiary materials or devices of any kind;

10. Use or operate any device capable of propelling a projectile including, but not limited to, firearms, bow and arrow, cross bows and air rifles;

11. Engage in gang related activity of any nature;

12. Refuse to follow the direction of a school official in the performance of his or her duties

13. Perform any act which is intended to disrupt the performance or continuance of any school-sponsored or related activities, functions and meetings, extracurricular activities and athletic events;

14. Perform any act which is intended to impede or disrupt the proper observance of or participation in any school-sponsored or related activities, functions and meetings, extracurricular activities and athletic events.

The Superintendent may grant written permission for exceptions in special circumstances.

"School property" means within school buildings, in vehicles used for school purposes, or on owned or leased school grounds. As circumstances warrant, appropriate action will be taken by the District's administrators.

Legal Reference:
Pro-Children Act of 1994, 20 U.S.C. 6081
20-5-410, MCA Civil Penalty
20-5-411, MCA Use of tobacco product in public school building or property prohibited
Smoke-Free School Act of 1994

Policy History:
Adopted on: September 21, 2000
Revised on

Bigfork School District #38

COMMUNITY RELATIONS **4335**

Free Admission for School Sponsored Events

Lifetime passes for all school sponsored public events will be given to:

1. Retired employees of the District who have served 20 years

2. Retired Board members who have served two full terms

3. Other persons who have made longtime, significant contributions as recognized by the Board

4. Senior citizens over the age of 62 showing proof of age will be admitted free of charge

Annual passes will be given to those employed a minimum of half-time by the district and who agree to fulfill duty assignments, and to the spouses of these employees.

Annual passes will also be given to current School Board members and their spouses.

MHSA tournaments will not be included in this policy

Policy History:
Adoption Date: August 14, 1995
Revision Date: October 18, 2006

Public Access to District Records

Within the limits of an individual's right of privacy, full access to information concerning the administration and operations of the District shall be afforded to the public. Public access to District records shall be afforded according to appropriate administrative procedures.

"School District records" include any writing, printing, photostating, photographing, etc. (including electronic mail), that has been made or received by the school, in connection with the transaction of official business and presented for informative value or as evidence of a transaction and all other records required by law to be filed with the District. "School District records" do not include the personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent shall serve as "public records coordinator" with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 4, MCA, the District shall make available for public inspection and copying all District records, or portions, except those which contain the following information:

1. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy;

2. Personal information in files maintained for staff to the extent that disclosure will violate their right to privacy;

3. Test questions, scoring keys, or other examination data used to administer academic tests;

4. The contents of real estate appraisals, made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three (3) years after the appraisal;

5. Preliminary drafts, notes, recommendations and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the District in connection with any District action;

6. Records that are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution;

7. Records or portions of records, the disclosure of which would violate personal rights of privacy; and

8. Records or portions of records, the disclosure of which would violate governmental interests.

If the District denies any request, in whole or in part, for inspection and copying of records, the District shall provide the requesting party with reasons for the denial.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion.

The District shall not provide access to lists of individuals which the requesting party intends to use for commercial purposes or which the District reasonably believes shall be used for commercial purposes if such access is provided. However, the District may provide mailing lists of graduating students to representatives of the U.S. armed forces and the National Guard for the purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Legal Reference:	Title 2, Chapter 6	School districts
	§ 2-6-109, MCA	Prohibition in distribution or sale of mailing lists - penalty

Policy History:
Adopted on: 9/20/01
Revised on:

Public Access to District Records

The following procedures shall be used to carry out the district's policy regarding public access to district records:

Public Records Custodian: At each facility where district records are kept, the administrator shall serve as public records custodian and shall be responsible for the maintenance of district records in accordance with district policy. The custodian shall permit access to, and copying of, district records by the public with authorization from the Superintendent who is the public records coordinator.

Display of Descriptions, Policies and Procedures: The coordinator shall compile, prominently display and make available the following for inspection and copying by the public at the district's central office:

1. Descriptions of the district's organizational structure.
2. All statements of general policy.
3. Descriptions or statements of all forms and informal district procedures.
4. Descriptions or statements of describing how the district operates.
5. Descriptions of how, where and from which employees the public can obtain information and copies of public records.

Requests for Inspections and Copying: Upon written request, the district shall make available to any person for inspection and copying any record or records not exempted by district policy.

A written request for inspection and/or copying of records shall include:

1. Name, address, and signature of the party requesting disclosure and the date of request.
2. Specification of the records or types of records requested.
3. A statement of the intended use if lists of individuals are included among the requested documents.

Written requests shall be made and records shall be available for inspection and copying during the customary business hours of the district's central office and/or the site where the requested records are kept.

With respect to those records which the coordinator has designated in writing as open to inspection, the custodian at the site where the record is kept shall have authority to grant a request for inspection and copying. With respect to all other records, a request for inspection and copying shall be granted only after review and approval of the request by the coordinator.

A response to each written request for inspection and copying of district records shall be provided as soon as is reasonably practicable, and in no case later than 10 working days after receipt of the request.

Upon request, the district shall make copies of public records for a per-page fee which shall cover copying costs as per the following fee schedule:

$0.05 per page
$1.50 per each 10 minutes of employee time

Staff shall provide full assistance to members of the public making inquiries or requests related to district records. Staff shall locate and produce for inspection requested records which are not exempt from disclosure and which have been sufficiently identified in a request for inspection.

The coordinator and custodian shall have authority to impose reasonable conditions on the manner of inspection of records so as to minimize the risks of damage or disorganization of the records and to prevent excessive interference with other essential operations of the district.

Adoption Date: July 18, 1996
Revision Date: October 17, 2001

Bigfork School District #38

COMMUNITY RELATIONS **4410**

Relations with the Law Enforcement and Child Protective Agencies

The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff shall be responsible for holding students accountable for infractions of school rules, which may include minor violations of the law, occurring during school hours or at school activities. When there is substantial threat to the health and safety of students or others, such as in the case of bomb threats, mass demonstrations with threat of violence, individual threats of substantial bodily harm, trafficking in prohibited drugs or the scheduling of events where large crowds may be difficult to handle, the law enforcement agency shall be called upon for assistance. Information regarding major violations of the law shall be communicated to the appropriate law enforcement agency.

The district will strive to develop and maintain cooperative working relationships with the law enforcement agencies. Procedures for cooperation between law enforcement, child protective and school authorities will be established. Such procedures shall be made available to affected staff and will be periodically revised.

Cross Reference: 3421/5322 Child Abuse and Neglect
4313 Disruption of School Operations

Legal Reference: 20-1-206, MCA Disturbance of school B penalty
41-3-101 et seq. MCA – Child Abuse and Neglect

Adoption Date: 12/01/94
Revised: 11/02/06

Bigfork School District

COMMUNITY RELATIONS 4411

Police Reports, Investigations and Arrests

Reporting

School administrators and staff are responsible for maintaining proper order and conduct in the schools. Students shall be held accountable for infractions of school rules, which may involve violations of the criminal law. Information regarding possible law violations shall be reported to the building administrator and, when warranted, to the appropriate law enforcement agency. Where there is a substantial threat to the safety of students or others, a law enforcement agency shall be called upon for immediate assistance.

Investigations and Arrests

This district shall strive to develop and maintain cooperative working relationships with law enforcement agencies.

When a law enforcement officer comes to school to interview or arrest a student, the officer shall be asked to report to the administrative office and remain there while the student is located. Interviews shall be conducted in a private location to ensure confidentiality. Unless the interview involves an allegation of abuse or neglect by the student's parent(s) or guardian(s), the administrator shall contact the parent(s) or guardian(s) to advise them that the student is to be interviewed or arrested. The administrator shall request the right to be present during any interview of a student on school grounds.

Cross Reference:
- 3421 Child Abuse and Neglect
- 4314 Disruption of School Operations
- 3231 Searches and Seizures

Legal Reference:
- 20-1-206, MCA Disturbance of school – penalty
- 41-3-202, MCA Action on reporting
- 45-7-302, MCA Obstructing a peace officer or public servant

Policy History:
Adoption Date: November 1, 2006

Bigfork School District

COMMUNITY RELATIONS **4520**

Cooperative Programs with Other Districts and Public Agencies

Whenever it appears to the economic, administrative and educational advantage of the District to participate in cooperative programs with other units of local government, the Superintendent shall prepare and present for the Board's consideration an analysis of each cooperative proposal.

When formal cooperative agreements are developed, such agreements shall comply with the requirements of the Interlocal Cooperation Act, with assurances that all parties to the agreement have the legal authority to engage in the activities contemplated by the agreement.

The District may enter into interlocal agreements with a unit of the Montana University System, public community college and/or tribal college that would allow enrolled 11th- and 12th-grade students to attend and earn credit for classes not available through the District. Tuition and fees, if assessed, will be provided for in the interlocal agreement.

The District may enter into an interlocal agreement providing for the sharing of teachers, specialists, superintendents, or other professional persons licensed under Title 37, MCA. If the District shares a teacher or specialist with another district(s), the District's share of such teacher's or specialist's compensation will be based on the total number of instructional hours expended by the teacher or the specialist in the District.

Legal Reference:	§§ 20-7-451 through 456, MCA	Authorization to create full service special education cooperative
	§ 20-7-800, et seq., MCA	Public recreation
	§ 7-11-100, et seq., MCA	Interlocal agreements

Policy History:
Adopted on: 9/20/01
Revised on:

Bigfork School District # 38

PERSONNEL **5000**

Board Goal/Personnel

District staff are invaluable in creating an effective educational program and vibrant learning environment. The Board seeks always to employ highly qualified individuals for all positions in the District. The Board realizes opportunities for staff development should be provided periodically.

The Board expects supervision and evaluation of staff to be conducted in a positive and helpful manner, with the intent of improving staff performance. The Board looks to staff to promote a positive school climate in all educational endeavors, so students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal right of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Policy History:
Adopted on: November 16, 2006

Bigfork School District #38 **R**

PERSONNEL **5002**

Accommodating Individuals With Disabilities and Section 504 of the Rehabilitation Act of 1973

It is the intent of the District to ensure that qualified employees with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate accommodations or other positive actions in assistance.

The District will not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment.

The Superintendent is designated the Section 504 and Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District's final Title II self-evaluation document and keep it available for public inspection.

2. Make information regarding Title II protection available to any interested party.

3. Coordinating and monitoring the district's compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability.

4. Overseeing prevention efforts to avoid Section 504 and ADA violations by necessary actions, including by not limited to, scheduling Section 504 meetings, implementing and monitoring Section 504 plans of accommodation and providing information to employees and supervisors.

5. Implementing the district's discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment; and

6. Investigating complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment.

The District's procedure for resolution of complaints alleging violation of this policy is set forth in Policy 1700.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 12111, *et seq.,* and 12131, *et seq.;* 28 C.F.R. Part 35.

Policy History:
Adopted on: 11/16/2006
First reading on: 12/8/21
Second reading/Adopted on:1/12/21

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Equal Employment Opportunity, Non-Discrimination, and Sex Equity

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work physical or mental disability. The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

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

Matt Porrovecchio, Special Services Director/AD
600 Commerce St., Bigfork, MT 59911
mattp@bigfork.k12.mt.us
406-837-7400

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

Matt Porrovecchio, Special Services Director/AD
600 Commerce St., Bigfork, MT 59911
mattp@bigfork.k12.mt.us
406-837-7400

Any individual may file a complaint alleging violation of this policy, Policy 5012/512P – Sexual Harrassment, by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

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All complaints about behavior that may violate this policy shall be promptly investigated.

Retaliation against an employee who has filed a discrimination complaint, testified, or participated in any manner in a discrimination investigation or proceeding is prohibited.

Legal Reference:
Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq*.
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq*.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq*.
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq*.
Genetic Information Nondiscrimination Act of 2008 (GINA)
Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq.; 29 C.F.R., Part 1601
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.; 34 C.F.R., Part 106
Montana Constitution, Art. X, § 1 - Educational goals and duties

§ 49-2-101, *et seq,* MCA	Human Rights Act
§ 49-2-303, MCA	Discrimination in Employment
§ 49-3-102, MCA	What local governmental units affected
§49-3-201, MCA	Employment of state and local government personnel.

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Sexual Harassment of Employees

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

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

Matt Porrovecchio, Special Services Director/AD
600 Commerce St., Bigfork, MT 59911
mattp@bigfork.k12.mt.us
406-837-7400

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

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

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator shall direct the individual to the applicable sex discrimination process for investigation.

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged harassment, the individual may report the allegations to the building principal or superintendent or other 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 5012P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference:	Policy 5010 - Equal Employment and Non-Discrimination	
	Policy 5012P – 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: 12/8/21
Second reading/Adopted on: 1/12/22

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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).

Name	Address	Phone #
_____		
_____		

_____

_____

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.

CONTACT DISTRICT FOR TITLE IX COORDINATOR/SUPERINTENDENT

Bigfork School District **5012F**

Sexual Harassment Reporting/Intake Form for Employees

This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the Title IX Coordinator to document allegations.

School _____ Date _____

Employee's name _____

- Who was responsible for the harassment or incident(s)? _____
_____

- Describe the incident(s). _____
_____
_____

- Date(s), time(s), and place(s) the incident(s) occurred. _____
_____
_____

- Were other individuals involved in the incident(s)? ☐ yes ☐ no

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

- Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. _____
_____
_____
_____

- Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? _____
_____
_____
_____

- Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. _____
_____
_____

Signature of complainant _____

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

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Sexual Harassment Grievance Procedure - Employees

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

"Complainant:" an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent:" an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Formal complaint:" a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

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

District Requirements

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

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

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

Timelines

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

Response to a Formal Complaint

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

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. The District may also remove a student Respondent alleged to have harassed an employee Complainant from the education setting. The student may receive instruction in an offsite capacity during the period of removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;

2. An explanation of the District's investigation procedures, including any informal resolution process;

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;

4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and

5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

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

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

Investigation of a Formal Complaint

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

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';

2. Provide an equal opportunity for the parties to present witnesses and evidence;

3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to 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 creditability 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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intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

Investigative Report

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

Decision-Maker's Determination

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

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

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

1. Identify the allegations potentially constituting sexual harassment;

2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;

3. Include the findings of fact supporting the determination;

4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;

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5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the 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

6. 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 employees, the sanctions may include any form of responsive discipline, up to and including termination.

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

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

Informal Resolution Process

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

1. Provides to the parties a written notice disclosing:

   A. The allegations;

   B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and

   C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

Recordkeeping

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

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

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

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

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

Cross Reference:	Policy 5010	Equal Employment and Non-Discrimination
	Policy 5012	Sexual Harassment
	Policy 5255	Employee Discipline

Legal References:	Art. X, Sec. 1, Montana Constitution – Educational goals and duties	
	Section 49-3-101, et seq., MCA, Montana Human Rights Act	
	Civil Rights Act, Title VI; 42 USC 2000d et seq.	
	Civil Rights Act, Title VII; 42 USC 2000e et seq.	
	Education Amendments of 1972, Title IX; 20 USC 1681 et seq.	
	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: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

PERSONNEL **5021**

Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between the terms of a collective bargaining agreement and the District's policy, the law provides that the terms of the collective bargaining agreement shall prevail for the staff covered by that agreement.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the Board to effectively and efficiently manage the District shall govern.

Legal Reference: § 39-31-102, MCA Chapter not a limit on legislative authority

Policy History:
Adopted on: 11/01/01
Revised on:

Bigfork School District #38

PERSONNEL 5120

Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and making hiring recommendations to the Board. Educational support personnel applicants are initially screened by the principal. The District shall hire highly qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy and state law on equal employment opportunities and veterans' preferences. All applicants must complete a District application form in order to be considered for employment.

Each applicant must provide a written authorization for a criminal background investigation. The Superintendent will keep a conviction record confidential as required by law and District policy. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

The District shall require that its contracted certificated staff hold a valid Montana Teacher or Specialist Certificate endorsed for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to the staff member unless a valid certificate for the role to which the teacher has been assigned has been registered with the County Superintendent within sixty (60) calendar days after the term of service begins. Each contracted teacher and administrator shall bring their current, valid certificate to the personnel office at the time of initial employment as well as at the time of each renewal of certification.

The personnel office shall register all certificates, noting the class and endorsement and updating the permanent record card as necessary. In addition, the personnel office will retain a copy of each contracted certificated employee's valid certificate in the employee's personnel file.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference:

§ 20-4-202, MCA	Teacher and specialist certification registration
§ 39-29-102, MCA	Point preference or alternative preference in initial hiring for certain applicants - - substantially equivalent selection procedure
No Child Left Behind Act of 2001 (P.L. 107-110)	

Policy History:
Adopted on:10/13/99
Revised on: 11/07/02

PERSONNEL

Criminal Background Investigations

It is the policy of the Board that all employees hired after January 1, 1999, and who care for or supervise students; or have access to students in schools will submit to a background investigation conducted by the appropriate law enforcement agency as a condition for employment. The Superintendent is charged with the responsibility for carrying out the intent of this policy.

All finalists for employment, through their name and social security number, will be given a background investigation with the Department of Justice to determine if he or she has been convicted of certain criminal or drug offenses. All employees of persons or companies holding a contract with the district which places that employee in supervision or contact with students shall submit to a background check. Also, all volunteers assigned within the district who have unsupervised access to students shall have a background check at the expense of the District.

An applicant must be of good character. If he/she has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent and his/her staff who shall decide whether the applicant shall be declared eligible for appointment. Multiple traffic violations may be considered if deemed to be pertinent to the applicant's capability to perform the duties of the position.

A record of conviction resulting from the background check will be held as confidential and shared only with the Board, Superintendent, the County Superintendent, the Superintendent of Public Instruction, the State Teacher Certification Board, or any other person necessary to the hiring decision.

Legal Reference:	§ 44-5-301, MCA	Dissemination of public criminal justice information
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§ 44-5-303, MCA	Dissemination of confidential criminal justice information

Policy History:
Adopted on: February 18, 1999
Revised on: November 16, 2006

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examination of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, an employee may be allowed a thirty (30) day grace period beginning from the date of employment to obtain the required medical examination.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

Communicable Diseases

If a staff member has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Legal References:	29 U.S.C. 794, Section 504 of the Rehabilitation Act	
	29 CFR, Section 1630.14(c) (1)(2)(3)	
	42 U.S.C. 12101, et seq.	Americans with Disabilities Act
	Title 49, Chapter 2, MCA	Illegal Discrimination
	Title 49, Chapter 4, MCA	Rights of Persons with Disabilities
	§ 20-10-103(4), MCA	School Bus Driver Qualifications
	ARM 16.28.1005	Employee of School B Day Care Facility Care Provider
	ARM 37.111.825	Health Supervision and Maintenance

Adoption Date: 4/6/95
Revised: 11/16/06

Employee Contracts and Assignments

Classified Employment and Assignment

Each classified employee hired on or after September 20, 2001 shall be employed under annual contracts of a specified term within the meaning of section 39-2-912, MCA. Such employees shall have no expectation of continued employment from year to year, and contracts of employment may be renewed or non-renewed during the summer of each year at the District's sole option.

The District reserves the right to change employment conditions affecting the employee's duties, assignment, supervisor, or grade.

The Board shall determine the salary and wages for classified personnel.

Each new employee shall be considered employed on a probationary basis. For the first six (6) months of employment, employees shall be considered on probation and may be dismissed at the discretion of the employer without recourse to the grievance procedure. If an employee is retained beyond the probationary period, the employee shall be entitled to seniority rights provided for in the Collective Bargaining Agreement and seniority shall date from the most recent hiring date.

Certified Employee Contracts

The Board of Trustees shall contract with each certificated staff member. Such contract shall be in conformity with state and federal statutes, the policies and negotiated agreements of the district. The contract shall be binding on the district and on the staff member and may not be abridged or abrogated during its term by either party except by mutual consent or as may be provided elsewhere in Board policy, in negotiated agreements, or state or federal statutes.

Except for the District Superintendent, the contracts for certificated staff shall be written for a period not to exceed one year and shall be executed in duplicate by the Chairman of the Trustees and the Clerk of the District, and by the teacher or specialist.

Legal References:

20-4-201, MCA	Employment of Teachers and Specialists by contract
20-4-205(2), MCA	Notification fo Tenure Teacher Reelection
20-4-206(2), MCA	Notification of non-tenure Teacher Reelection

Whidden v. Nerision, 294 Mont. 346,981 P.2d 271 (1999)
Bowden v. The Anaconda Co., 38 St. Rep. 1974 (D.C. Mont. 1982)
Scott v. Eagle Watch Inv., Inc., 251 Mont 191, 828 P2d 1346 (1991)

Prout v. Sears, Roebuck & Co., 236 Mont. 152, 722 P2d 288 (1989)

Policy History:
Adopted on: 9/20/01
Revised on:

Performance Evaluations

Performance evaluation instruments and the evaluation process should focus on improvement of professional skills and effectiveness and also provide the basis for employment recommendations to the Board of Trustees.

The Superintendent is directed to create written procedures for evaluations of all district employees: certified instructional staff, classified staff, administrators, and administrative support staff not covered by either the BUC or BAEA negotiated agreements.

Evaluation of Tenured Teachers/Non-Tenured Teachers will follow CBA

Employment Recommendations – Tenured and Non-Tenured Teachers

Performance evaluations may be used as the basis for employment recommendations to the Board of Trustees. Recommendations may constitute dismissal or non-renewal of contract. A non-tenured teacher who is non-renewed by the Board of Trustees may not use the grievance procedure to challenge the non-renewal decision.

Classified Employees – Non-Probationary

Non-probationary classified employees will be evaluated a minimum of once per year by their immediate supervisor. The Supervisor may perform multiple evaluations to address performance deficiencies or request evaluation assistance from other supervisors, administrators, or an evaluation team comprised of both. Employees who work only during the school year should be evaluated prior to May 15th of each year.

Classified Employees – Probationary

Probationary Classified employees should be evaluated within three (3) months of the start of employment and again prior to the end of the sixth (6) month probationary period. The Supervisor may perform multiple evaluations to address performance deficiencies or request evaluation assistance from other supervisors, administrators, or an evaluation team comprised of both.

Employment Recommendation – Probationary and Non-Probationary Classified Employees

Performance evaluations may be used as the basis for employment recommendations to the Board of Trustees. Recommendations may constitute dismissal or, in the event of a probationary employee, termination of employment without cause prior to the end of the probation period.

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Administrative Staff

The Superintendent shall evaluate administrative staff prior to June 15th of each year utilizing the Administrative Evaluation Instrument.

Supervisory Staff

The Superintendent shall evaluate the Maintenance Director and Transportation Director a minimum of once a year. The Superintendent shall evaluate the Food Service Director a minimum of once a year. The Classified Personnel Evaluation Instrument shall be used.

Administrative Support Staff

Those employees not covered by either the BAEA or BUC Collective Bargaining Agreement shall be evaluated annually by the Superintendent or Business Manager using the Classified Personnel Evaluation Instrument.

Certified Non-Teacher Employees

Employees such as the school nurse and school counselor have specialized job assignments where the standard certified evaluation instrument may not be appropriate. The Superintendent is authorized to prepare evaluation instruments specific to the duties of these positions.

Superintendent

The Superintendent will be evaluated by the Board of Trustees in accordance with Policy 6110, Administration.

Evaluation of Certified Staff

Each certified staff member's job performance will be evaluated by the staff member's direct supervisor. Certified staff members will be evaluated according to the terms stated in the current collective bargaining agreement if applicable or once per year. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district's mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator's duties.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

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Evaluation of Classified Staff

Each classified staff member's job performance will be evaluated by the staff member's direct supervisors. The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Cross Reference:	Policy 5231-5231P	Personnel Records
Legal Reference:	10.55.701(4)(a)(b), ARM	Board of Trustees

Policy History:
Adopted on: 08/14/1995
Revised on: 7/16/98, 6/1/2000, 08/10/06
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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BIGFORK SCHOOL DISTRICT NO. 38

Classified Evaluation Instrument
Process and Description

The purpose of the Evaluation Review is to provide each employee with the opportunity to periodically discuss job performance and progress with the supervisor. This evaluation review is to aid both the employee and the supervisor to clarify job responsibilities and to plan performance objectives for the future. The evaluation process aids the supervisor in training, developing and motivating the employee to (1) improve each employee's understanding of his/her job; (2) encourage each employee's development for better job performance; (3) aid the administration in the selection, assignment, retention and promotion process; and (4) provide safeguards of objectivity and fairness in performance evaluations.

DEFINITIONS OF EMPLOYEE PERFORMANCE FACTORS

The performance factors used to evaluate Classified employees are listed below, along with a brief description of each factor. Factors should be rated in relation to the employee's duties and responsibilities, as outlined on the job description. The degree of importance for each factor will vary according to the requirements of each job.

GENERAL PERFORMANCE FACTORS

1. **Observance of Work Hours**
   Punctuality in reporting to or leaving a duty section in accordance with the prescribed schedule. Is the employee conscientious about assigned work hours and appointed schedules?
2. **Attendance**
   Absence from duty for any reason which is not legally protected and is excessive or disruptive, Is there a pattern of sick leave use? Have continued absences been costly to the District or harmful to the morale of co-workers?
3. **Grooming and Dress**
   Appropriate dress and standards of good grooming in accordance with position held. Does the employee meet appropriate standards of dress commensurate with the level of public, employee or pupil contact?
4. **Compliance With Rules**
   Employee conformity with all applicable established rules. Does the employee consistently comply with policies, procedures, rules and regulations? Does employee's dress/grooming meet health/safety requirements of the job.
5. **Safety Practices**
   Practices which assure safety of students, employees or the general public. These practices may reflect specific supervisory directives or simple forethought for potential dangerous conditions and the use of common sense. Is good judgment used by the employee as it relates to safety? Does the employee observe all required safety measures?
6. **Public Contacts**
   Public contacts made through personal or telephone conversation, correspondence and day-to-day appearances before the public. Does the employee demonstrate a helpful, cheerful and friendly manner to children and adults? Is the employee courteous and positive?
7. **Pupil Contacts**
   Appropriate behavior around students. Does the employee observe rules of behavior related to contact with students? Are students treated with respect and courtesy?
8. **Employee Contacts**
   Interaction among employees. Does the employee work cooperatively with others and treat others with respect and courtesy?
9. **Accepts Direction**
   Acceptance of supervision, training and instruction. Does the employee inhibit progress or cause inefficiencies by not following directions?
10. **Cooperation**

The manner in which the employee works with others. Does the employee work as part of a team?

11 **Knowledge of Work**
Information concerning work duties which an individual should know for satisfactory job performance. Is the employee keeping up-to-date with changes related to the position ?

12 **Planning and Organization**
Method in which an employee approaches assigned duties. Does the employee plan and organize tasks to achieve the desired results as efficiently as possible?

13 **Job Skill Level**
Mental and/or manual skills required for the position. Does the employee exhibit required skills? Are efforts made to improve basic skill levels?

14. **Quality of Work**
Degree of excellence of the work performed. In rating this factor, attention should be paid to the consequences of poor quality of work. Is the employee neat, accurate, thorough?

15 **Volume of Acceptable Work**
Amount of work required to meet job standards. Does the employee consistently accomplish an acceptable volume of work?

16 **Meeting Deadlines**
Completion of assigned work by the established deadline. When deadlines were not met, did the employee provide timely notice and make an honest attempt to meet deadlines?

17 **Accepts Responsibility**
Degree of willingness exhibited when assigned appropriate responsibility and the manner in which the responsibility is carried out. Does the employee demonstrate a willingness to assume and carry out assigned jobs and to be accountable for the results?

18 **Initiative**
The ability to find new or better ways of performing work-related tasks. Does the employee complete tasks without prompting or direction from others?

19. Works Independently
Work habits which identify the ability to work without control by others. Does the employee possess self-governing attributes?

20. **Accepts Change**
Adaptability and flexibility. Does the employee inhibit progress or cause inefficiencies by resisting change? Does the employee adapt to new work surroundings, new equipment, new procedures, new fellow employees or new supervisors?

21 **Effectiveness Under Work Stress**
Ability to cope with pressure and a work tempo that is consistently demanding. Can employee produce an acceptable volume and quality of work in an emergency?

22 **Operation and Care of Equipment**
Responsibility for effective and economical use, operation, maintenance, safeguarding and storage of machinery or equipment to include supplies and materials. Does the employee show concern with equipment conservation and request appropriate maintenance and repair of equipment when necessary?

23 **Work Coordination**
Work which directly or indirectly involves other employees, sections, schools, departments ordivisions. Does the employee effectively coordinate work when necessary?

24 **Maintains Student Confidentiality**
Control of confidential information, whether written or oral. Does the employee adequately protect confidential information?

ADDITIONAL FACTORS FOR SECRETARIAL/CLERICAL EMPLOYEES

25 **Secretarial/Clerical Skills**
Skills needed to perform the secretarial/clerical duties of the position. Does the employee maintain and upgrade as required skills to perform effectively and efficiently in the position?

26. **Maintains Administrative Confidentiality**
Control of confidential information, whether written or oral. Does the employee adequately protect confidential information?

27 **Tact and Diplomacy**
Skill in handling affairs without arousing hostility. Does the employee exhibit the necessary skills to handle sensitive issues with understanding, poise and perception?

PERFORMANCE FACTORS FOR SUPERVISORY PERSONNEL

28. **Planning** and **Organizing**
Planning work schedules and distributing the work load equitably to utilize other employees' time to best advantage of the District. Does the employee analyze and implement efficient work procedures?

29 **Training and Instruction**
Planning and implementing an orientation and training program for employees. Does the supervisor provide for correction of any technical skill deficiencies for new employees and for ongoing training of all regular employees in new methods and procedures?

30 **Productivity**
Results achieved by the supervisor and subordinates. Are the quality and quantity of work produced by the supervisor and staff up to standard?

31. **Evaluate Skills**
Effective and accurate performance evaluation of subordinates using approved District procedures. Are evaluations positive contributions to employee development? Does the supervisor indicate how an employee's work performance may be improved when improvement is needed?

32. **Judgments and Decisions**
Practical exercise of authority and responsibility. Does the supervisor exhibit firmness and fairness in judgments affecting employees?

33. **Leadership**
Responsibility of the supervisor to guide, influence, motivate, train, develop and direct the work of subordinates. Is there a team cooperativeness and willingness to complete work by collective effort? Does the supervisor's leadership create a positive atmosphere?

34. **Operational Economy**
Conservation of time and material. Does not exceed allocated budget. Is the supervisor able to identify economical and uneconomical procedures and methods and recommend changes in policies and procedures accordingly?

35. **Supervisory Ability**
Competency in overseeing work performed by others. Do subordinates have a clear understanding of responsibilities and performance expectations? Does the supervisor enforce performance standards consistently?

36. **Equity and Equality**
Treatment of all employees in a fair and consistent manner. Does the supervisor treat all subordinates in an equitable manner regardless of age, ethnicity, religion, handicap or gender? Does the supervisor establish an expectation of equity and tolerance among subordinates?

37 **Adaptability**
The ability and willingness to adjust to changing circumstances. Is the supervisor flexible and able to solve problems? Does the supervisor attempt to resolve problems at the lowest possible level?

EVALUATION STANDARDS

Evaluators should refer to the following standards to determine the appropriate evaluation rating to be used.

1 = **Not Satisfactory**

A rating of 1 on any factor is considered unsatisfactory performance below minimum job requirements and constitutes grounds for dismissal. The Administrator/Supervisor may recommend dismissal or develop an improvement plan requiring immediate correction of deficiencies.

2 = **Meets Minimum Standards But Requires Improvement**

A rating of 2 on one or two factors requires the development of an improvement plan. Three or more 2 ratings is considered unsatisfactory performance below minimum job requirements and constitutes grounds for dismissal. The Administrator/Supervisor may recommend dismissal or develop an improvement plan requiring immediate correction of deficiencies (3 or more 2 ratings).

3 = Meets Competent Standards

Denotes performance demonstrated at a competent level and in a consistent manner.

4 = **Exceeds Standards**

Performance greatly exceeds job requirements and is above standards that indicate satisfactory performance. Superior performance and job strengths should be specified in Section A.

5 = **Not Applicable**

Performance in this area has not been observed; or, this factor is not applicable to the duties and responsibilities of the position.

*FAILURE OF EMPLOYEE TO MEET THE REQUIREMENT OF AN IMPROVEMENT PLAN MAY RESULT IN DISMISSAL

IMPROVEMENT PLAN

The improvement plan, at a minimum, shall include the following:

1. A description of the performance deficiency
2. The steps necessary for employee to correct the deficiency
3. Support provided for correction, i.e., training, consultation, etc.
4. Timeline for corrections of deficiencies

BIGFORK SCHOOL DISTRICT NO. 38
CLASSIFIED PERSONNEL EVALUATION INSTRUMENT
FOR YEAR 2006-2007

□ Probationary □ Annual □ Other □ Date _____

School/Department: _____ Position/Title: _____

Name: _____

1=Not Satisfactory 2= Meets Minimum Standards But Requires Improvement 3= Meets Standards

4=Exceeds Standards 5=Not Applicable

1	2	3	4	5	**Factor Check list** (Immediate supervisor must check each factor in the appropriate column.) Checks in Column one MUST be explained in section B. See Definitions of employee Performance Factors
					1. Observance of work hours
					2. Attendance
					3. Grooming and dress
					4. Compliance with rules
					5. Safety practices
					6. Public contacts
					7. Pupil contacts
					8. Employee contacts
					9. Accepts direction
					10. Cooperation
					11. Knowledge of work
					12. Planning and Organization
					13. Job skill level
					14. Quality of work
					15. Volume of acceptable work
					16. Meeting deadlines
					17. Accepts responsibility
					18. Initiative
					19. Works independently
					20.Accepts Change
					21.Effectiveness under work stress
					22.Operation and care of equipment
					23. Work coordination
					24. Maintains student confidentiality

Additional Factors for Secretarial/Clerical

					25. Secretarial/ Clerical Skills
					26. Maintains admin confidentiality
					27. Tact and diplomacy

Additional Factors for Supervisor

					28. Planning and organizing
					29. Training and instruction
					30. Productivity
					31. Evaluative skills
					32. Judgments and decisions
					33. Leadership
					34. Operational economy
					35. Suprevisory ability
					36. Equity and eqality
					37. Adaptability

Section A: Record job strengths and superior performances
Section B: Specify work performance deficiencies or the behavior requiring improvement or correction. Explain Checks in Column 1 &/or 2.
Section C: Record Specific GOALS or IMPROVEMENT PROGRAMS to be undertaken during the next evaluation period.
Section D: Overall Evaluation: ☐**1**=Not satisfactory ☐**2**=Meets minimum standards ☐**3**=Meets standards ☐**4**=Exceeds standards
Section E: Recommendation for Continued Employment: ☐ **YES** ☐ **YES (with improvement plan)** ☐ **NO**

Employee's Signature _____ Date _____

Employee shall sign the evaluation indicating he/she has read it. The signature does not indicate agreement with its content.

Administrator/Supervisor's Signature _____ Date _____

Administrator Review _____ Date _____

Bigfork School District # 38

PERSONNEL **5225**

Tobacco Free Policy

The following stipulations constitute the tobacco policy for School District employees:

1. All school buildings are hereby declared as tobacco free areas. No use of tobacco will be permitted in Bigfork School District facilities.

2. Use of tobacco will not be allowed on any school property by employees while on duty.

3. New employees of the district will be hired with the understanding that they will be directed not to use tobacco at their place of work.

4. Limitations or prohibitions on tobacco use are applicable to school hours and/or all working hours.

Legal Reference: 20-5-411, MCA Use of tobacco product in Public school building or Property

50-40-101, et. Seq., MCA Montana Clean Indoor Act of 1979

Adoption Date: 1/6/99

Bigfork School District #38 **R**

PERSONNEL **5226**

Employee Drug and Alcohol Offenses

In accordance with the requirements of the "Drug-Free Workplace Act of 1988," all employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited.

It is prohibited for any employee of this school district to manufacture, distribute, dispense, possess, or use a controlled substance in the workplace. Employees must, as a condition of direct or indirect employment in any federal grant program, comply with this policy and notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Your supervisor is responsible to notify the personnel office immediately after notice from any employee or otherwise receiving notice of such conviction. The personnel office is responsible for notifying the Federal Granting Agency of the conviction within ten (10) days of learning of the conviction.

Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences.

Employees are encouraged to seek assistance in dealing with drug problems. Conscientious efforts to seek help for drug dependency will not jeopardize an employee's job status. It is the intention of this school district to maintain a drug-free workplace.

Legal Reference: 41 USC 701, et.seq. Drug Free Workplace

Policy History:
Adopted on: 01/06/1999
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District # 38

PERSONNEL **5227**

Employee Chemical Use and Dependency

Illegal use, possession or distribution of controlled substances is prohibited on school premises and at school functions 24 hour per day every day of the year. All students, district employees and visitors to district premises are required to adhere to this policy.

All violators of this policy will be disciplined in accordance with appropriate district procedures, state law, and negotiated agreements. Students, employees and visitors who violate this policy will be referred to the appropriate law enforcement agency in every instance. Employees who fail to adhere to this policy will face possible termination of employment.

The district's responsibility is to educate employees by creating an awareness of our drug-free policy and providing information regarding available resources for assistance in recovery.

Implementation of this policy will allow an employee consideration for confidential assistance or treatment at the individual's expense. The confidential nature of the medical or counseling records o employees with chemical dependency shall be preserved in the same manner as all other medical or counseling records.

Adoption Date: 12/10/98

Bigfork School District #38 **R**

PERSONNEL **5228**

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District will adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, *et seq*. The Superintendent will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

Legal Reference:	49 U.S.C. §§ 45101, et seq. Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)
	49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled substance and alcohol use and testing), and 395 (Hours of service of drivers)

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not

conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination of employment.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs

assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;

2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;

3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;

4. Specific information concerning driver conduct that is prohibited by Part 382;

5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;

6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;

7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety- sensitive functions and the procedures for referral, evaluation, and treatment;

10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;

11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a

coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and

12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse:

A. A verified positive, adulterated, or substituted drug test result;

B. An alcohol confirmation test with a concentration of 0.04 or higher;

C. A refusal to submit to any test required by law;

D. An employer's report of actual knowledge, as defined in law:

E. On duty alcohol use;

F. Pre-duty alcohol use;

G. Alcohol use following an accident;

H. Controlled substance use;

I. A substance abuse professional report of the successful completion of the return-to-duty process;

J. A negative return-to-duty test; and

K. An employer's report of completion of follow-up testing.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/ her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Clearinghouse

The School District will comply with the requirements of the Commercial Driver's License Drug and Alcohol Clearinghouse. The School District and Transportation service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers have been notified that any information subject to disclosure will be submitted to the Clearinghouse in accordance with this policy and applicable regulations.

Legal Reference:	49 C.F.R. Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing
	49. C.F.R. Part 382	Controlled Substances and Alcohol Use and Testing

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

Bigfork School District

PERSONNEL **5229**

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

USE OF TECHNOLOGY RESOURCES IN INSTRUCTION

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

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

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

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

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

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

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

All EIS users shall strictly adhere to the following requirements:

- User shall use EIS for educational purposes only, and shall not access any materials that are inappropriate to the educational environment.
- User shall not use EIS to submit, publish, display, retrieve or transmit any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, disruptive, discriminatory, or illegal material.
- User shall not use EIS to harass, insult or attack others.
- User shall follow the District's code of conduct while using EIS.
- User shall use appropriate language while using EIS. Vulgarities are not permitted.
- User shall use only EIS account and password assigned to user. User shall use EIS only for purposes authorized for user's account. User shall not attempt to access information that is not authorized for user's access or account.
- User shall not use EIS to invade the privacy of others, and shall not trespass into another user's folders, work or files without proper authorization.
- User shall not reveal any home addresses or personal telephone numbers.
- User shall abide by all copyright laws and regulations.
- User shall not use EIS for commercial purposes, product advertising or political lobbying.
- User shall not attempt to harm, modify or destroy software or interfere with system security.
- User shall not introduce unauthorized software into the system.
- User shall not use EIS in any way that would disrupt the use of EIS by others.
- User shall not allow anyone else to access the system using user's account or password, unless user has authorization to allow such use by

others. Users are ultimately responsible for all activity under their accounts.

- User understands that many services and products are available for a fee and acknowledges the responsibility for any expense incurred.

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

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

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

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

Personnel who violate the provisions of this EIS policy, or any accompanying regulation may be subject to disciplinary action up to and including dismissal. 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.

Adopted on: 8/9/01
Revised on:

Bigfork School District #38

PERSONNEL **5229P**

Internet Research

The comprehensive nature of the district network security may block certain websites of research value. Staff members may request authorization from the network administrator for a temporary bypass of network security for valid educational research purposes.

Any time the district network security is bypassed the network administrator will monitor and document all websites accessed. Should a violation of Board Policy No. 5229 occur the network administrator shall notify the building principal or superintendent.

Personnel Records

The Bigfork School District conforms to law, judicial rulings, and federal and state regulations which safeguard both the public's right to know and certain privacy rights.

Specifically, it is the objective of this policy to establish record keeping practices in accordance with applicable sections of:

(a) Article II, Section 9, Constitution of the State of Montana, titled "Right to Know;"

(b) Article II, Section 10, Constitution of the State of Montana, titled "Right to Privacy;"

(c) Title 2, Chapter 6, Montana Code Annotated, regarding public records and their management;

(d) Office of Public Instruction Accreditation Standards and Administrative Regulations;

(e) Chapter -1300, Montana Operations Manual, Volume I, regarding records management;

(f) 1974 Federal Privacy Protection Study Commission.

Payroll and Employee Benefit Records

The public shall, upon request and with approval of the superintendent, have access to payroll and employee benefit records for any or all employees of the district. This shall include all compensation and participation in district benefits plans.

How an individual chooses to allocate compensation shall be a private concern.

Employee Job Applications, Qualifications and Status Information

The names of applicants for advertised vacancies may be released to the public upon request unless an applicant requests otherwise at the time of submitting an application. Statistical information that would normally be released to governmental agencies monitoring compliance will be made available upon request.

Regarding employee records or specific job applications, qualifications and status, the following information shall be privileged (not made public):

1. Past and present performance evaluations, employer criticism and observations

2. Military record

3. Health and medical status

4. I.Q. scores and performance tests

5. Convictions and/or prison records

6. Disabilities (including chemical dependency problems)

7. Family status or problems

8. Discussion of other employees which occur during a performance evaluation

9. Information compiled to explain absence from work or poor work performance

10. Other information most individuals would not willingly disclose publicly

Personnel Files

Cumulative personnel files (employee records) shall be maintained by the personnel office. Access to personnel files shall be limited to the superintendent, those administrators authorized by the superintendent, to Personnel Office staff members, to the Board's legal counsel, and to the employee, the employee's signed designee, or the employee's legal counsel. A record by name and date of any party reviewing a file shall be maintained in that file, and those who have access to the files shall be required to maintain the confidentiality of the files and their contents.

An employee shall have the right, upon request, and during normal business hours, to review the contents of his/her personnel file in the presence of the Personnel Director or other authorized staff member.

Processed grievance shall not be a part of an employee's personnel file, but shall be kept apart from the personnel file.

Labor-management agreements may result in additional stipulations. The policies set forth here shall not supersede or negate stipulations of contract.

Legal Reference: 10.55.202(8), ARM Board of Trustees

Adoption Date: 4/6/95

Bigfork School District #38

STUDENTS 3421F/5232F

Report of Suspected Child Abuse or Neglect

Date report made to Dept. of Public Health & Human Services: _____

Person making report: _____ Title: _____

Persons present when report made: _____

Name of Minor: _____ Date of Birth: _____

Address: _____ Phone: _____

Father: _____ Address: _____ Phone: _____

Mother: _____ Address: _____ Phone: _____

Guardian or
Stepparent: _____ Address: _____ Phone: _____

Student's attendance pattern: _____

The nature and extent of the child's injuries, including any evidence of previous injuries: _____

_____

Facts which support the belief that the child has suffered from abuse or neglect:
_____

_____

Other information that might establish the cause of the injuries or show willful abuse or neglect and the identity of the person or persons responsible: _____

_____

_____

Follow-up action by school officials, including date of action: _____

_____

_____

Bigfork School District #38

PERSONNEL 5232

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent or principal that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the DPHHS may share information with that individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in 41-3-205.

Legal Reference:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Policy History:
Revised on: September 18, 2013
Revised on: June 11, 2014

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Bigfork School District #38

PERSONNEL **5250**

Termination or Non-Renewal of Employment/Dismissal from Employment

In general, the school district will use progressive discipline but reserves the right to take any disciplinary action it deems appropriate to the circumstances. Disciplinary measures by the administration can include, in any order, verbal or written warnings, reprimands, or suspensions with pay. Suspensions without pay can only be imposed by the superintendent. Termination is a disciplinary action taken only by the Board of Trustees.

The termination or non-renewal or dismissal of certified or classified staff shall be determined by the board after receiving the recommendation of the superintendent in conformity with state statutes and applicable district policy. The superintendent is responsible for documenting and placing in personnel files all employee actions which result in disciplinary measures. All disciplinary documentation placed in employee files must stay in those files unless through a due process hearing before the Board, the disciplinary action is judged to be without merit.

Reference: Policy 5255, 5250P

Adoption date: 2/6/97

Bigfork School District #38

PERSONNEL- PROGRESSIVE DISCIPLINE **5250P**

Definition:

Progressive discipline is to give notice to an employee of problems and an opportunity to correct the deficiency. A progressive discipline system establishes communication between the employer and the employee about expectations and behavior, creates documentation, and creates an environment of fairness since employees will receive notice of problems or deficiencies and, unless a major misconduct, be given the opportunity to correct them.

Discipline for Major Misconduct::

Warnings, written and oral reprimands, suspensions (with or without pay), and terminations deal mainly with tangible employee performance areas. Supervisors retain flexibility in defining discipline steps. Disciplinary action will be determined based upon specifics of each case, as well as factors such as frequency, severity, and gravity of rule violation. Major instances of misconduct such as fighting, assault, sexual harassment, threatening another person, stealing, intoxication or drug abuse, possession of alcoholic beverages or illegal drugs, insubordination, gross negligence, falsification of records, or other acts deemed by the superintendent to be major misconduct do not always require progressive discipline and will be referred to the appropriate legal authorities.

Discipline for Poor Performance:

In order to improve employee effectiveness in areas identified as needing improvement by an employee's immediate supervisor, it becomes necessary to provide a means for communicating fully those areas of concern and to provide direction and assistance to the employee. Employees that receive ratings marked NEEDS IMPROVEMENT or whose performance is questionable should be considered as candidates for a Plan of Assistance. Employees whose performance does not reach the EFFECTIVE level after a Plan of Assistance should be recommended for non-renewal.

EXAMPLE:
Plan of Assistance for Improving Employee Performance - Supervisor's Guide

General statement for plan of assistance:(include the following)

To:
From:
Statement of Deficiency

Use direct reference to evaluation instrument specifying area(s) of performance as unsatisfactory.

General Statement for Plan of Assistance

This section should include:
1. The purpose of the plan
2. Your role as the supervisor
3. The directive that the Plan of Assistance is to be followed

4. What action will occur if desired improvements are not achieved or directive satisfactorily met.

Program to be Followed

This section should include:

1. A very specific statement as to what is expected of the employee (tie to each area of performance rated unsatisfactory on evaluation instrument)
2. A series of reasonable activities and time lines for each area of unsatisfactory performance.
3. What assistance will be offered by the supervisory and other resources.

Monitoring System

This section should include:

1. The schedule of conferences and observations to determine progress (each conference and observation must be followed by a written report or summary - copy to be provided the employee).
2. The method of altering or adjusting program
3. A specific time for final assessment of program.

Final Evaluation

This section should include:

A final assessment of the satisfactory of unsatisfactory achievement of the program.

Recommendation

This section should include:

Your recommendation regarding the future status of the employee to be forwarded to the Central Administration Office.

Signature Section

This section should include the following statement:

Signatures below signify only receipt and delivery of the memorandum.

Employee's Signature _____Date _____

Supervisor's Signature _____Date _____

Copy Distribution

Personnel File

Any resource personnel mentioned in the plan.

Promulgation Date: 2/6/97

Revision Date _____

Bigfork School District # 38

PERSONNEL **5253**

Retirement Programs for Employees

All employees of the Bigfork Public Schools shall participate in the retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System according to state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the superintendent in writing prior to April 1 of that year.

Those employees intending to retire who are not contractually obligated to complete the school year should notice the superintendent as early as possible and no less than sixty (60) days prior to their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends, other retirement conditions, retirement incentives, and benefits.

Legal Reference:	Title 19, Chapter 1, MCA	Social Security
	Title 19, Chapter 3, MCA	Public Employees' Retirement System
	Title 19, Chapter 4, MCA	Teachers' Retirement System

Adoption Date: 11/4/99

Bigfork School District # 38

PERSONNEL **5254**

Non-Renewal or Termination of Contract

Certificated Employees

Renewals, non-renewals or terminations of individual teacher contracts shall be in compliance with applicable statutes.

Classified Employees

The termination of a classified employee shall be for reasons of the district's financial condition, and/or the district's staffing or program needs, or for cause. If the termination is for cause, the District in terminating a classified employee will accord with state law. In any case, the district's Board shall exclusively determine the number of employees to employ and/or the programs to offer.

Good Faith and Fair Dealing

Employees have certain rights under Montana law that derive from the employer/employee relationship. Employee rights have long been in place under federal legislation through such acts as the Equal Employment Opportunity Act (1972), the Equal Pay Act (1963), the Age Discrimination Act (1967) and the Maternity Benefits Leave Amendment to the Civil Rights Act (1978).

Legal Reference:	20-4-203, MCA	Teacher Tenure
	20-4-204, MCA	Termination of Tenure Teacher Services
	20-4-205, MCA	Notification of Tenure Teacher Reelection
	20-4-206, MCA	Notification of Nontenure Teacher Reelection

Adoption Date: 4/6/95

Bigfork School District # 38

PERSONNEL **5255**

Disciplinary Action - Employees

District employees who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job or in other such ways that the law determines to be good cause shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or dismissal may include, but is not limited to: immorality, unfitness, incompetence, or violation of the adopted policies of the Trustees.

Discipline shall be reasonably appropriate to the circumstance and shall include the supervisor's right to reprimand, the superintendent's right to suspend with pay, and may include suspension without pay or dismissal or other appropriate action affecting the contract status of certified staff. Such action shall be instituted by the Board of Trustees upon the recommendation of the superintendent. In case of dismissal of certificated staff, applicable state statutes shall be followed.

The superintendent is authorized to suspend a classified staff member immediately. Due process shall be afforded any individual being dismissed, suspended without pay or reprimanded.

Legal Reference:	20-4-207, MCA	Dismissal of Teacher Under Contract
	20-3-210, MCA	Controversy Appeals and Hearings

Adoption Date: 4/6/95

Bigfork School District # 38

PERSONNEL **5256**

Reduction in Force

When the reduction, modification or elimination of programs and/or services necessitates a reduction in staff, the relevant and most current negotiated agreements shall be observed in accomplishing the reduction for each category or employee (BUC Contract and BAEA Contract). The "most current negotiated agreement" is that agreement in force at the time of the administrative decision.

The number of employees working for the district is determined by the Board. Conditions under which a reduction in force takes place must and will be determined by the Board.

Cross Reference: #5254 Nonrenewal or Termination of Contract
Legal Reference: 20-4-206(4), MCA Notification of Nontenure Teacher Reelection

Adoption Date: 4/6/95

Probationary Period for Non-Certified Employees

"Probationary Period" means a trial period established when a non-certified employee is newly hired or transferred into a permanent, permanent part-time or any permanent seasonal position within the district. The objective of a probationary period is to afford time to assess the employee's abilities relative to the performance of the stated job duties; to assess the employee's conduct on the job; and to determine if the employee should be retained beyond the probationary period and thus attain permanent status.

An employee attains permanent status after satisfactorily completing an appropriate probationary period in a permanent, permanent part-time, or permanent seasonal position. An employee in a temporary position or an employee temporarily hired into a permanent position for less than nine months is not eligible to attain permanent status.

The general rule is that the probationary period in this district shall be for a period of not less than six (6) calendar months duration. The district shall establish a probationary period for employees newly hired or transferred into permanent, permanent part-time or permanent seasonal positions and set the length of the probationary period at the time of hiring (not to be less than a minimum of six (6) calendar months, nor more than one calendar year). The district shall inform the employee of the length of the probationary period at the time of employment. Should the employee, however, voluntarily request and be granted a reassignment to somewhat different duties or a relocation, the district reserves the right to extend the probationary period to a full six (6) months in the employee's new assignment. In other words, the district may require an employee who has not attained permanent status and who is promoted or reassigned within the district to successfully complete a full probationary period in the new position under one supervisor.

The district reserves the right to extend the length of a probationary period for a maximum of six (6) additional and consecutive calendar months provided that an evaluation has occurred within the first six (6) months, and the supervisor so recommends an extension in writing with a copy to the employee.

The district must inform the employee of the length of the extension. An employee whose probationary period has been extended does not attain permanent status until the employee successfully completes the additional probationary period.

The district shall complete a performance appraisal for each probationary employee before the end of the probationary period. Unless an employee receives written notification that he/she has not satisfactorily completed the established probationary period on or before the end of the stated probationary period, the employee will attain permanent

status.

An employee who has not attained permanent status may be discharged at any time during the probationary period. The district shall take reasonable steps necessary to verify the reasons for discharge prior to discharge, and the reasons for discharge shall be communicated to the employee.

The district expressly reserves the right, in the instance of promoting an employee who has attained permanent status, to establish a trial period upon promotion, reassignment, or reclassification. During such a trial period, an employee who has attained permanent status in a former position shall retain employment rights extended by virtue of having attained permanent status, except that, the district may return said employee to the former or an equivalent position without following the grievance policy, the reduction-in-work force policy, or discipline policies. Of course, if circumstances otherwise warrant, disciplinary action or a reduction-in-force could be implemented.

Adoption Date: 4/6/95

Bigfork School District #38

5311

PERSONNEL

Equal Pay for Equal Work - Compensation and Wages

The Bigfork Public Schools shall adhere to a policy of equal pay and fair standards of compensation in accordance with applicable state and federal statutes and administrative regulations.

Legal References: MCA 39-3-104
29-USC-206
29-CFR-1620.1 Etseq.

Adoption Date: 4/6/95

Bigfork School District # 38

PERSONNEL **5321**

Sick Leave

Policy and Objectives

It is the policy of the Bigfork Public Schools to grant its employees sick leave benefits in accordance with Section 2-18-618, MCA, or within the respective collective bargaining agreements reached with its various units and/or as specified within individual employment contracts of employees.

Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the District in accordance with this policy and the governing collective bargaining agreements.

The objectives of this policy are to establish functional uniform procedures for calculating and granting sick leave benefits in accordance with Section 2-18-618, MCA; and/or governing collective bargaining agreements.

Further, it is the objective of this policy to assure that the district assures compliance with current maternity leave requirements as specified by the 1978 amendment to the Civil Rights Act of 1964 banning pregnancy discrimination. Sick leave will be available for pregnancy, miscarriage, childbirth, and recovery therefrom.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a pay status.

Legal Reference: 2-8-618, MCA Sick Leave

Adoption Date: 4/6/95

Bigfork School District #38 **R**

PERSONNEL **5325**

Breastfeeding in the School and Workplace

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District shall support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for a child. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employees' needs. Building administrators are authorized to work with teachers to provide students necessary time to express milk for a child.

The District shall make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee or student can express breast milk and access to a place to store expressed breast milk safely. The available space shall include the provision for lighting and electricity for the pump apparatus. If possible, supervisors and building administrators shall ensure that those employees or students in need of such accommodations shall be aware of them prior to maternity leave.

Legal Reference:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private Place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing mothers
	37.111.811, ARM	Physical Requirements

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38 **R**

PERSONNEL **5328**

Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Servicemember Family Leave

Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single twelve-(12)-month period.

Eligibility

An employee is eligible to take FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested, and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is twelve (12) months backward from the date of FMLA leave.

Coordination of Paid Leave

Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will be designated FMLA leave.

Medical Certification

The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.

Legal Reference:
29 U.S.C §2601, *et seq*. - Family and Medical Leave Act of 1993
29 C.F.R. Part 825, Family and Medical Leave Regulations
§§2-18-601, *et seq*., MCA Leave Time
§§49-2-301, *et seq*., MCA Prohibited Discriminatory Practices
Section 585 – National Defense Authorization Act for FY 2008, Public Law [110-181]

Policy History:
Adopted on: 04/30/2013
First Reading on: 12/8/21
Second Reading/Adopted on: 1/12/22

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Bigfork School District #38

PERSONNEL

5329

Maternity Leave

It is the policy of the Bigfork Public Schools to allow the use of sick leave for maternity leave including pregnancy, miscarriage, childbirth and recovery therefrom. The District shall comply with the language and intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act and within the scope of applicable law and court rulings in the state of Montana.

Guidelines for use of Maternity Leave are part of the negotiated agreements with the BUC and the BAEA. Employees who are not covered by these agreements will be allowed the same privileges as outlined in the BAEA Negotiated Agreement.

Legal Reference:	49-2-310, MCA	Maternity Leave
	49-2-311, MCA	Reinstatement to job following Pregnancy

Adoption Date: 1/4/96

Bigfork School District #38

PERSONNEL **5334**

Vacations (Annual Vacation Leave)

Policy and Objectives

It is the policy of the Board of Trustees to grant its non-exempt classified and 12-month administrative employees annual vacation leave benefits in accordance with 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this policy guarantees approval of the granting of specific days as annual vacation leave in any instance. Each request will be judged by the district in accordance with this policy. The objective of this policy is to establish uniform procedures for calculating and granting annual vacation leave benefits in accordance with the provisions cited above.

Employees of less than six months duration will not accrue vacation benefits.

The policy of the Board of Trustees, Bigfork School District No.38, is to conform with all applicable statutes. An employee shall receive a paid vacation at the highest level accorded under 2-18-612, MCA.

Accumulation of leave - cash for unused (2-18-617, MCA): Except as provided in subsection (1) (b), annual leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is not forfeited if taken within 90 days from the last day of the calendar year in which the excess was accrued. District #38 will provide cash compensation for unused vacation leave in lieu of the accumulation of the leave for all eligible employees.

Cross Reference:	5334P	
Legal Reference:	2-18-611, MCA	Annual Vacation Leave
	2-18-612, MCA	Rate Earned
	2-18-617, MCA	Accumulation of Leave

Policy History:
Adopted on: 7/15/97
Revised on:

Vacations (Annual Vacation Leave)

Accrual and Eligibility to use Vacation Leave

All classified employees, except those in a temporary status, serving in the Bigfork Public Schools for more than six months are eligible to earn vacation leave credits retroactive to the date of employment in accordance with 2-18-611, MCA, and 2-18-612, MCA. In accordance with 2-18-611(5), MCA, temporary employees are excluded from earning annual vacation leave, except that a temporary employee who is subsequently hired into a permanent position within this district without a break in service and temporary employees who are employed continuously longer than six months, shall earn retroactive vacation leave credits for the preceding continuous period of temporary employment.

An employee must be continuously employed in the district for a qualifying period of six calendar months to be eligible to use annual vacation leave. Unless there is a break in service, an employee is only required to serve the qualifying period once. After a break in service, an employee must again complete the qualifying period to be eligible to use annual vacation leave. Leave credits may not be advanced nor may leave be taken retroactively.

A seasonal employee's accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season contract ends (generally in June). The employee may request a lump sum payment at the end of each season.

A person simultaneously employed in two or more positions within the district will accrue vacation leave credits in each position according to the number of hours worked, unless one of the positions is a certified or otherwise non-exempt position. However, a person may not accumulate annual vacation leave in a pro-rated amount that would exceed that available to a 40-hour per week employee. Hours in a pay status at the regular rate will be used to calculate leave accrual. Vacation leave credits will not accrue for those hours exceeding 40 hours in a work week that are paid as overtime hours or are recorded as compensatory time hours. A full-time district employee shall not earn less than nor more than the full-time annual leave accrual rate provided by § 2-18-612, MCA. As provided in 2-18-611 (4), MCA, "An employee may not accrue annual vacation leave credits while in a leave-without-pay status.

Calculating Annual Vacation Leave

As provided in 2-18-612 MCA, "Vacation Leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with any agency, whether the employment is continuous or not." For purposes of interpreting this paragraph, "Agency" means, as provided in 2-18-601(1), MCA, "Any legally constituted department, board, or commission of state, county, or city government, or any political sub-division thereof."

RATE EARNED SCHEDULE

Years of Employment	Working Days Credit per Year
1 day - 10 years	15
10 - 15	18
15 - 20	21
20 years on	24

In accordance with 2-18-601, MCA, time as an elected state, county or city official, as a school teacher or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of a school district or the university system is eligible to have school district or university employment time count toward the rate earned schedule if that employee was eligible for annual leave pursuant to 2-18-601, MCA, in the position held with the school district or university system.

Maximum Accrual of Vacation Leave

In accordance with 2-18-617(1), MCA, all full-time and part-time employees serving in permanent and seasonal positions may accumulate two times the total number of annual leave credits they are eligible to earn per year, according to the rate earned schedule.

Cash Compensation for Unused Vacation &Rate of Salary Compensation

District #38 will provide the option of compensating for unused vacation leave (Notice to Clerk by May 20 to be paid with June payroll).An employee on authorized vacation leave will be entitled to the employee's normal gross salary.

Vacation Leave Requests

The dates when employee's annual vacation leave shall be granted shall be determined by agreement between each employee and the district, with regard to the best interests of the district and the employee. Where the interest of the district requires the employee's work or attendance at duties, the district's interests overrides the employee's interest.

An employee of the district requesting vacation shall complete a "Request for Leave" form in advance and shall submit that form to his/her designated supervisor who shall review and approve or disapprove and forward if approved to the personnel office or the next administrative tier as indicated on the form (as in the case of food service, special education, etc.)

Generally 180 day (9 1/4 or 10-month employees will be granted vacation during the school term during certain times when workloads are more flexible and/or substitutes need not be hired except for compelling reasons.

Vacation leave credits in the Bigfork Public Schools must be taken in minimum increments of 1/2 of scheduled shift (i.e. 4 hours for an 8 hour employee).

Vacation Leave Records

An employee's vacation leave credits earned and vacation leave credits used must be recorded by the personnel/payroll control system. Approval is made on the "Request for Leave" form, and this form is reconciled to the time sheet. Adjustments to an employee's accrual and used totals are then made. A monthly report of vacation credits will be made to each employee included in their pay stub.

Absence Due to Illness

As provided in 2-18-615, MCA, "Absence from employment by reason of illness shall not be chargeable against unused vacation leave credit unless approved by the employee."

Lump-Sum Payment Upon Termination

As provided in 2-18-617(2), MCA, "An employee who terminates his/her employment for reasons not reflecting discredit on him/herself shall be entitled upon the date of such termination to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in 2-18-611."

The district shall not pay accumulated leaves to employees who have not worked the qualifying period.

The value of unused vacation leave is computed based upon the employee's salary rate at the time of termination.

Procedure History:
Promulgated on:
Revised on:

Fair labor Standards Act

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at $12.00/hr. (Same district). The employee would get $300.00 per week for the 30 hr/week job ($10.00X30) and $240.00 per week for the 20 hr./week job ($12.00X20). A total of $540.00 (regular remuneration). Divide $540.00 by 50(total hours worked) = $10.8/hr (weighted average). One-half that rate ($10.80/2 = $5.40)is multiplied by 10 (number of hours over 40). $54.00 is the amount of overtime compensation due the employee based on the "blended time".

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:

   A. Name in full (same name as used for Social Security);
   B. Employee's home address, including zip code;
   C. Date of birth if under the age of nineteen (19);
   D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
   E. Time of day and day of week on which the employee's workweek begins;
   F. Basis on which wages are paid (such as $5/hour, $200/week, etc.);
   G. Any payment made which is not counted as part of the "regular rate";
   H. Total wages paid each pay period.
   I. Occupation

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2. Additional records required for non-exempt employees:

A. Regular hourly rate of pay during any week when overtime is worked;
B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
C. Hours worked in any workweek (or work period in case of 207[k]);
D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
E. Total overtime premium pay for a workweek;
F. Date of payment and the pay period covered;
G. Total deductions from or additions to wages each pay period;
H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
I. Number of hours of compensatory time earned each pay period;
J. Number of hours of compensatory time used each pay period;
K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

Legal Reference:	29 U.S.C § 201, *et seq*.	Fair Labor Standards Act
	24.9.805, ARM	Employment Records
	Title 39, Chapter 3, Part 4	Minimum Wage and Overtime Compensation
	24.16.2501—2581, ARM	Overtime Compensation

Policy History:
Adopted on: 04/06/1995
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District # 38

PERSONNEL **5410**

Substitutes - Employment

Certified

The Bigfork Public Schools authorize the employment of a qualified substitute in the absence of a regularly employed staff member. Employment of substitutes will be authorized only where applications are on file and payroll authorization forms are complete. The district will not engage substitutes for its administrators without the specific approval of the superintendent. In addition, the district may engage a person in substitute status in lieu of a regularly-contracted staff member when:

(1) Enrollment uncertainties exist at the beginning of a school year; and

(2) Resignations of regular staff do not allow sufficient time for the district to employ an immediate replacement.

On either of the latter two occasions, the district shall employ a contracted staff person within a reasonable time, but in no case shall this exceed 30 work days.

The superintendent shall be responsible for establishing procedures by which teachers within the district request substitutes and by which substitute teachers shall be employed, assigned and compensated. In every instance, the principal or other supervisor shall be a full partner in any such procedure.

The district does not require a certificate to be in force for short-term substitutes, although education and/or a combination of education and practical experience in the area(s) of the teaching responsibility are generally expected.

Substitute applicants must complete the district substitute packet, have their references verified, and be interviewed by the superintendent or a building principal before their name is placed on the district substitute list.

Classified

The district authorizes the employment of a classified substitute in the absence of a classified staff member when a program will be adversely affected by the regular staff member's absence and when a substitute can perform the duties. The superintendent shall establish procedures relating to the use of substitute classified staff.

General

All substitutes are intermittent, on-call employees only. Deductions for social security and, in the case of teachers, for the Teachers Retirement Systems are made from the wages earned. Substitute employees will be paid on or about the standard pay day of the month following any work in the month preceding. Advances are not possible. Intermittent employees are not eligible to participate in the district's health, dental, life or other group insurances.

Adoption Date:4/6/95

Bigfork School District #38

PERSONNEL **5410P**

Substitute Hiring Procedure

Responsibility Chart

District Office

1. Candidates apply through the Superintendent's Office
2. Ensure all pertinent documents are completed including TB test, a copy of social security card, and a copy of the driver's license
3. Send out reference check form to previous employers
4. Provide principals with completed application
5. Provide background check upon request of principal
6. Recommend hiring to board
7. Maintain board approved substitute list

Principals

Substitutes without experience

1. Interview and Orientation by respective building principal (dependent on grade level where substituting)
2. Review of substitute handbook (initially and annually)
3. Review of student handbook (initially and annually)
4. Reference checks
5. Classroom observation
6. Background check before entering classroom (District Office)
7. Recommendation from principal to place on substitute list

Substitutes with experience and/or formal training

1. Orientation with respective building principal on new policies and procedures
2. Review of substitute handbook (initially and annually)
3. Review of student handbook (initially and annually)
4. Reference checks
5. Background checks as necessary (District Office)
6. New substitutes must be recommended by principal for placement on substitute list.

Board of Trustees

1. Review recommendation to hire substitute
2. Approve or deny hire of applicant

Promulgated: October 2001

Bigfork School District #38

PERSONNEL **5420**

Teachers' Aides/Paraeducators

Teachers' aides/paraeducators, as defined in the appropriate job descriptions, are under the supervision of a principal and a teacher to whom the principal may have delegated responsibility for close direction. The nature of the work accomplished by paraeducators will encompass a variety of tasks that may be inclusive of "limited instructional duties."

Paraeducators are employed by the District mainly to assist the teacher. A paraeducator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program, to have:

1. Completed at least two (2) years of study at an institution of higher education;

2. Obtained an Associate's or higher degree; or

3. Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

Paraeducators hired before January 8, 2002, have until January 1, 2006, to meet these standards.

It is the responsibility of each principal and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the paraeducator to assist in reading, writing, and mathematics instruction.

The Superintendent shall develop and implement procedures for an annual evaluation of teachers' aides/paraeducators. Evaluation results shall be a factor in future employment decisions.

Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Policy History:
Adopted on:11/07/02
Revised on:

Bigfork School District No. 38

PERSONNEL **5430**

Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. has not entered into an express or implied compensation agreement with the District;

2. is excluded from the definition of "employee" under the appropriate state and federal statutes;

3. may be paid expenses, reasonable benefits and/or nominal fees in some situations; and

4. is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks for those individuals operating within the District who have unsupervised access to children.

Cross Reference: 5122 Criminal Background Investigations

Policy History:
Adopted on: 11/4/99
Revised on:

HIPAA

Note:

(1) Any school district offering a group "health care plan" for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a "health care provider" by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an "educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction." This transaction occurs when a school nurse submits a claim electronically.

(2) Any personally identifiable health information contained in an "education record" under FERPA is subject to FERPA, not HIPAA.

Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District's group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for ***electronic health care transactions***. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee's (or dependent's) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person's name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

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Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.

2. Individuals have the right to request an amendment to their health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.

3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.

4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.

5. Safeguards are required to protect the privacy of health information.

6. Covered entities are required to issue a notice of privacy practices to their enrollees.

7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The Superintendent has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

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The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.

- Documents containing PHI are kept in a restricted/locked area.

- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.

- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.

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- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example, the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

Tom Stack, Superintendent
Bigfork School District #38
PO Box 188
Bigfork, MT 59911

Legal Reference: 45 C.F.R. Parts 160, 162, 164

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Request for Protected Health Information

This form should be used when release of a patient's protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, _____, hereby authorize _____
Name of Employee, Student 18 or older, or Parent/Guardian *Name of Physician/Practice*

to use and/or disclose my protected health information described below to _____.
School District

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): _____

_____

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

- ☐ Any and all records in the possession of the above-named physician or physician's practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)
- ☐ Records regarding treatment for the following condition or injury _____ on or about_____.
- ☐ Records covering the period of time _____ to _____.
- ☐ Other (Specify and include dates.)_____.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: _____.

I certify that I have received a copy of this authorization.

_____ _____
Signature of Patient or Personal Representative *Date*

_____ _____
Name of Patient or Personal Representative *Personal Representative's Authority*

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Bigfork School District

ADMINISTRATION 6000

Goals

The administrative staff's primary functions are to manage the District and to facilitate the implementation of a quality educational program. It is the goal of the Board that the administrative organization:

I. provide for efficient and responsible supervision, implementation, evaluation, and improvement of the instructional program, consistent with the policies established by the Board;

I. provide effective and responsive communication with staff, students, parents, and other citizens; and

I. foster staff initiative and rapport.

The District's administrative organization shall be designed so that all divisions and departments of the District are part of a single system guided by Board policies which are implemented through the Superintendent. Principals and other administrators are expected to administer their facilities in accordance with Board policy and the Superintendent's rules and procedures.

Policy History:
Adoption Date: July 20, 2004

Superintendent - Duties and Authority

The Superintendent is the District's executive officer and is responsible for the administration and management of District schools, in accordance with Board policies and directives and state and federal law. The Superintendent is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the Superintendent of responsibility for that which was delegated.

Qualifications and Appointment

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

When the office of the Superintendent becomes vacant, the Board will conduct a search to find the most capable person for the position. Qualified staff members who apply for the position will be considered for the vacancy.

Administrative Work Year

The Superintendents' work year will correspond with the District's fiscal year, unless otherwise stated in an employment agreement.

Evaluation

At least annually, and in accordance with the Superintendent's contract, the Board will evaluate the performance of the Superintendent, using standards and objectives developed by the Superintendent and the Board, which are consistent with District mission and goal statements. A specific time shall be designated for a formal evaluation session. The evaluation will include a discussion of professional strengths, as well as performance areas needing improvement.

Compensation and Benefits

The Board and the Superintendent will enter into a contract which conforms to this policy and state law. The contract will govern the employment relationship between the Board and the Superintendent.

Termination

In the event that a majority of the board wishes to terminate the superintendent's services at the expiration of the current contract, the superintendent shall be so notified in writing by February 1st of the final year of the contract.

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Superintendent

The Board will:	**The Superintendent will:**
Select the Superintendent and delegate to him/her all necessary administrative powers.	Serve as chief executive officer of the District.
Adopt policies for the operations of the school system and review administrative procedures.	Recommend policies or policy changes to the Board and develop procedures which implement Board policy.
Formulate a statement of goals reflecting the philosophy of the District.	Provide leadership in the development, operation, supervision, and evaluation of the educational program.
Adopt annual objectives for improvement of the District.	Recommend annual objectives for improvement of the District.
Approve courses of study.	Recommend courses of study.
Approve textbooks.	Recommend textbooks.
Approve the annual budget.	Prepare and submit the annual budget.
Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.	Recommend candidates for employment as certificated and classified staff.
Authorize the allocation of certificated and classified staff.	Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.
Approve contracts for major construction, remodeling, or maintenance.	Recommend contracts for major construction, remodeling, or maintenance.
Approve payment of vouchers and payroll.	Recommend payment of vouchers and payroll.
Approve proposed major changes of school plant and facilities.	Prepare reports regarding school plant and facilities needs.

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The Board will:	The Superintendent will:
Approve collective bargaining agreements.	Supervise negotiation of collective bargaining agreements.
Assure that appropriate criteria and processes for evaluating staff are in place.	Establish criteria and processes for evaluating staff.
Appoint citizens and staff to serve on special Board committees, if necessary.	Recommend formation of *ad hoc* citizens' committees.
Conduct regular meetings.	As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.
Serve as final arbitrator for staff, citizens, and students.	Inform the Board of appeals and implement any such forthcoming Board decisions.
Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.	Respond and take action on all criticism, complaints, and suggestions, as appropriate.
Authorize the ongoing professional enrichment of its administrative leader, as feasible.	Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.
Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.	Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

NOTE: A copy of the Superintendent's evaluation tool and job description may be included.

Legal Reference: ARM 10.55.701Board of Trustees

Policy History:
Promulgated on: 07/20/2004
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Legal Reference:	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	ARM 10.55.602	Definition of Internship
	ARM 10.55.607	Internships
	ARM 10.55.701	Board of Trustees
	ARM 10.55.702	Licensure and Duties of District Administrator – District Superintendent

Policy History:
Adopted on: 7/20/2004
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District

ADMINISTRATION 6121

District Organization

The Superintendent shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel.

The organization of District positions of employment for purposes of supervision, services, leadership, administration of Board policy, and all other operational tasks shall be on a “line and staff” basis. District personnel occupying these positions of employment shall carry out their duties and responsibilities on the basis of line and staff organization.

Policy History:
Adoption Date: July 20, 2004

Bigfork School District #38

ADMINISTRATION **6130**

Assignment and Transfer of Administrative Staff

Administrative staff is responsible to the board through the superintendent. The assignment of administrative staff shall be in accordance with the organizational chart of the district.

Subject to the approval of the trustees, the superintendent shall have the authority to reorganize and/or rearrange the specific responsibilities of the administrative and supervisory staff in a manner that will provide for the effective operation of the district. The superintendent shall, in considering any assignment or transfer base a decision on such factors as the desired performance and/or expectations inherent in the position, the staff member's background and preparation, the staff member's past performance, the impact on other facets of the district's operations, and the needs of the district.

Administrative staff members shall be informed of their assignments no later than March 1 except that nothing in this policy shall prevent the superintendent from reassigning an administrative staff member for good cause during the school year.

Cross Reference:	5254	Non-Renewal
Legal Reference:	10.55.701,ARM	District Superintendent
	20-4-203, MCA	Teacher Tenure
	20-4-204, MCA	Termination of tenure teacher services

Adoption Date: May 18, 1995
Review Date: June 29, 2004

Duties and Qualifications of Administrative Staff Other Than Superintendent

Duty and Authority

As authorized by the Superintendent, administrative staff will have full responsibility for day-to-day administration of the area to which they are assigned. Administrative staff are governed by Board policies and are responsible for implementing administrative procedures relating to their assigned responsibilities.

Each administrator's duties and responsibilities will be set forth in a job description for that particular position and, at a minimum, include, but not be limited to the following:

1. Planning for the improvement of the program for which he/she is responsible.

2. Evaluating that program regularly.

3. Recommending to the superintendent budgetary, program, staff and other changes that will enhance the program.

4. Advising the superintendent of the impact of proposed policies or other administrative actions on the programs for which he/she is responsible.

5. Evaluating the performance of those staff as assigned.

6. Assisting his/her subordinates to improve their performance.

7. Promoting effective working relationships with students, staff and patrons of the district.

8. Maintaining a progressive community/staff relations program within their building or assigned area.

Qualifications

All administrative personnel must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules or be considered appropriately assigned if the administrator is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607, and must meet other qualifications as specified in their position's job description.

Administrative Work Year

The administrators' work year will correspond with the District's fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the administrators will have vacation periods as approved by the Superintendent.

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Compensation and Benefits

Administrators will receive compensation and benefits as stated in their employment agreements.

Legal Reference:	§ 20-4-401, MCA	Appointment and dismissal of district superintendent or county high school principal
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	10.55.701, ARM	Board of Trustees
	ARM 10.55.602	Definition of Internship
	ARM 10.55.607	Internships

Policy History:
Adopted on: 05/18/1995
Revised on: 07/20/2004
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

ADMINISTRATION **6142**

Administrative Salaries

The board will establish a system of compensation for administrative staff. Merit pay as a means to award excellence may be incorporated into the salary system for administrators and supervisors.

Superintendent:

The Superintendent's salary shall be negotiated by the Board Negotiation's Committee and the superintendent. A contract can be from one to three years in duration. The superintendent shall receive a fully paid group health care plan(s) as per the district group plan. The superintendent is entitled to the sick and vacation leave benefits under Title 2, Chapter 18, Part 6, MCA. Personal leave days and emergency leave may be granted but are not carried from year to year.

Principal(s) and Vice-Principal(s):

Principals' salaries shall be negotiated with the Board Negotiations Committee and the Superintendent. Principals should initiate negotiations by May 15th of each year by individually or collectively forwarding their proposal (s) to the Superintendent. The Superintendent shall make compensation recommendations to the negotiations committee based upon each principal's satisfactory performance of job responsibilities. The Negotiating Committee shall set a date and time to meet individually with each principal for purposes of negotiating compensation. Principals shall receive a fully paid group health care plan (s) as per the district group plan. Negotiations may include but are not limited to salary, sick leave, emergency leave, professional training and travel, and individualized benefits.

Policy History:
Adoption Date: September 18, 1997
Revision Date: July 20, 2004

Bigfork School District #38

ADMINISTRATION **6142P**

Administrative Salaries

Principal(s):

Salary Schedule

Years as Principal	Elem	MS	HS
1	1.19	1.19	1.30
2	1.22	1.22	1.33
3	1.24	1.24	1.35
4	1.27	1.27	1.38
5	1.29	1.29	1.40

Salaries determined by taking the multiplier X HPT. Each additional year's pay is based on the HPT and the percentages in year five. HPT = Highest Paid Teacher.

Salaries are to be paid in monthly installments not later than the 10th day of each month. In the event that the 10th day of a month is not a work day, then the salary payment for that month shall be made on the last working day prior to the 10th.

Principals shall be provided a membership in the national and state professional organization of their choice as a part of their contract. Principals will be allowed to attend a national convention every other year at District expense.

Principals shall receive leave as described in the BAEA Master Contract and a fully paid district family medical insurance policy. Such benefits will not reduce other benefits expressly provided for in this contract or to be agreed upon in the future. The Board and the Principal(s) may agree to expand components of these benefits or to add benefits not currently available to other professional personnel in the School District; if this is done, an annex should be signed, dated and attached to the contract.

Travel: Principal shall be reimbursed for out of district expenses and mileage per district policy. The Principal shall be reimbursed for in-district mileage while supervising school activities at the state rate. Principals shall maintain a log of in-district mileage which shall be turned into the District Clerk on the last day of each month.

Evaluation: Principals will be evaluated annually by the superintendent using the appropriate District format. Principals receiving an EFFECTIVE or VERY EFFECTIVE overall rating are entitled to a salary increase based on the PRINCIPALS' SALARY SCHEDULE. Principals who receive a rating of NEEDS IMPROVEMENT or a recommendation for Non-Renewal will have their salary frozen for one evaluation cycle (one year) or until their overall rating reaches the EFFECTIVE level (Note: principals and teachers may NOT have their salaries reduced). Principals may request that their Administrative evaluations be reviewed by the Board of Trustees. Either the Principal or the superintendent may ask that the review be conducted in closed session.

Procedure History:
Promulgated: 8/10/98
Revised: 5/12/21

Bigfork School District #38 **R**

ADMINISTRATION **6210**

Principals

Principals are the chief administrators of their assigned schools and are responsible for the day-to-day operation of their building. The primary responsibility of Principals is the development and improvement of instruction. The majority of the Principals' time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school's budget, and communication between the school and the community, and enforcement of District policy. Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b).

The Superintendent will develop, administer, and review with the Board chairperson an annual performance evaluation for all district administrators. Principal evaluations shall be completed no later than June 15th of each year.

The evaluation format shall include but not be limited to the following:

- A summary of the major purposes of performance approvals
- Identification of evaluation components that stress accomplishments and areas requiring improvement.
- Special assignments
- Compensation

Legal Reference:	§ 20-4-403, MCA	Powers and duties of principal
	10.55.701, ARM	Board of Trustees
	10.55.703, ARM	Licensure and Duties of School Principal

Policy History:
Adopted on: 07/20/2004
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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BIGFORK SCHOOL DISTRICT NO. 38
ADMINISTRATOR PERFORMANCE EVALUATION

Name:_____ Position:_____

Evaluation Period - From:_____ Through:_____

Evaluator:_____

A summary of the major purposes of performance appraisals are as follows:

<□ An objective review of professional and personal performance relative to assigned job responsibilities

<□ Performance improvement where necessary

<□ Determination of Commendation for positive performance

<□ Compensation for completion of job responsibilities and assignments

The process is designed to assist the administrator and supervisor to cooperatively formulate and record an appraisal of the individual□s performance. Performance appraised is a measure of the results of an individual□s efforts toward his professional job responsibilities and district goals as identified and directed by the Board of Trustees and the Superintendent.

This evaluation contains the following components:

□□ Major accomplishments for the _____ school year
□□ Observed professional and personal skills which positively impact job performance
□□ Professional and personal skills requiring improvement
□□ Progress on previous year professional and personal skills requiring improvement
□□ Observed performance of professional responsibilities
□□ Professional responsibilities requiring improvement
□□ Progress on previous year professional responsibilities requiring improvement
□□ Formal Administrative Improvement Plan
□□ Summation of evaluation
□□ Special assignments for the _____ school year
□□ Compensation

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Major Accomplishments

Observed Professional and Personal Skills

Observed Performance of Professional Responsibilities

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SUMMATION

Compensation

_____ _____
Signature of Employee Signature of Evaluator

Date _____ Date_____

Original - employee file
Copy - employee

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Bigfork School District #38

6210 F1-2

ADMINISTRATIVE IMPROVEMENT PLAN

Name: _____ Position: _____

Improvement Period - From: _____ Through: _____

Evaluator: _____

This Improvement Plan is intended to clarify the items listed on your 20__ / 20__ performance evaluation and to provide you with direction relative to your professional improvement needs. These recommendations and directions should be heeded immediately to improve administrative effectiveness and ensure that your performance is in compliance with your job description, professional assignment, and Board Policy. Failure to successful adopt and implement the directives of this improvement plan may result in further administrative action.

Special Note

Recognition of receipt of formal Administrative Improvement Plan

_____	_____	_____	_____
Signature of Employee	Date	Signature of Evaluator	Date

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Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

6210 F1-3

ADMINISTRATIVE SPECIAL ASSIGNMENTS

ADMINISTRATOR:_____

1. SPECIAL ASSIGNMENT NO.: _____ FOLLOW-UP DATE: _____

PROGRESS OR MODIFICATION: _____
_____
_____

2. SPECIAL ASSIGNMENT NO.: _____ FOLLOW-UP DATE: _____

PROGRESS OR MODIFICATION: _____
_____
_____

3. SPECIAL ASSIGNMENT NO.: _____ FOLLOW-UP DATE: _____

PROGRESS OR MODIFICATION: _____
_____
_____

4. SPECIAL ASSIGNMENT NO.: _____ FOLLOW-UP DATE: _____

PROGRESS OR MODIFICATION: _____
_____
_____

5. SPECIAL ASSIGNMENT NO.: _____ FOLLOW-UP DATE: _____

PROGRESS OR MODIFICATION: _____
_____
_____

Use back of this sheet if more space is needed

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Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38 **R**

ADMINISTRATION **6410**

Evaluation of Administrative Staff

Each administrator will be evaluated annually, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within a reasonable time following the evaluation conference.

Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than Superintendent

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District

ADMINISTRATION 6420

Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the needs of the District. Each year the Superintendent should develop an administrative in-service program based upon the needs of the District, as well as the needs of individual administrators.

Administrative staff are encouraged to be members of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

Legal Reference: § 20-1-304, MCA Pupil-instruction-related day

Policy History:
Adoption Date: July 20, 2004

Bigfork School District #38

FINANCIAL MANAGEMENT **7120**

Budget Preparation and Adoption

The Board of Trustees shall meet at their regular place of meeting at any time from February 1 through the fourth Monday in June, each year, for the purpose of adopting preliminary budgets for the district(s). A notice of the final budget meeting, which is to be held on the fourth Monday in July, shall be published in a newspaper of general circulation between July 10 and July 20. At the final budget meeting, the Board of Trustees shall make any changes or corrections to the preliminary budgets which are deemed necessary and appropriate. The resulting budgets shall constitute the final budgets of the district for the current fiscal year. After the final budgets are adopted, they shall be forwarded to the County Superintendent of Schools.

Legal Reference: All proceedings pertaining to the adoption of preliminary and final budgets shall be conducted in accordance with Montana Code Annotated (MCA), Sections 20-9-101 through 20-9-142.

§ 20-9-113, MCA Notice of preliminary budget meeting

§ 20-9-115, MCA Notice of preliminary budget and final budget meeting

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7142**

Adoption of Budget Amendments

Total budget expenditures for each fund as adopted in the budget shall constitute the appropriations of the district for the ensuing fiscal year. The Board shall be limited in the incurring of expenditures to the total of such appropriations.

With timely notice of a public meeting, Trustees, by majority vote of those present, may declare by resolution that a budget amendment is necessary. Budget amendments are authorized by Section 20-9-161, MCA for specified reasons.

The resolution shall state the facts of the budget amendment, the estimated amount of funds needed, and the time and place when the Board will meet for the purpose of considering and adopting a budget amendment.

The meeting to adopt a budget amendment shall be open to the public and shall provide opportunity for any taxpayer to appear and be heard. Budget procedures shall be consistent with statutory requirements. When applicable, the district shall apply for state financial aid to supplement that amount to be collected from local taxes.

Legal Reference: 20-9-161, MCA through 20-9-166, MCA

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7212**

Acceptance of Out-of-District Students/Tuition

The Board of Trustees believes that each child should attend elementary school in his/her own district. However, recognizing that unusual situations arise, the Board will accept elementary students (K-8) from outside districts under certain conditions. To this end, the following rules are adopted:

1. No one connected with the Bigfork Elementary School, or in School District #38 is to solicit the attendance of pupils living outside the district.

2. Students from outside the district applying to enroll in our district will be admitted in an unrestricted fashion until the level of 90% of district standards has been reached at a particular grade level. Thereafter, only families who currently have a child enrolled will be allowed to enroll additional children in classes which have reached the 90% level. Additional applicants will be put on a waiting list and allowed to enter as space allows. When classes reach the maximum limits set by the accreditation standards, no additional non-resident students will be admitted without specific approval of the trustees.

3. Non-resident students, once accepted, shall be permitted to ride school buses on regular bus routes, subject to the approval of the sending and receiving district boards as evidenced by the inter-local agreement.

4. The amount of tuition charged for each student will be determined by the trustees and the superintendent.

5. The families of non-resident students will be notified by certified letter of any changes in this policy or the tuition amount within a reasonable time after the changes are known.

6. Tuition payments by families may be made prior to each school semester, or in one full payment at the beginning of the school year. Payment must be made prior to the time the student begins classes.

MHSA Reference: Article II, Section 20, Recruiting Prohibited

Adoption Date: 5/18/95
Revised: September 9, 2015

Bigfork School District #38 **R**

FINANCIAL MANAGEMENT **7220**

Use of Federal Title I Funds

The School District will ensure that federal Title I funds, are used only to supplement, and not supplant, state and local funds that would, in the absence of federal funds, be spent on Title I programs or services supported by federal funds.

Title I funds will not take the place of funds supporting education services that are to be provided to all students. The School District uses Title I funds only to supplement funds that would, in the absence of Title I funds, be made available from state and local non-Federal sources for the education of children participating in Title I programs.

Cross Reference: 2160 – Title I Family Engagement

Legal Reference: Elementary and Secondary Education Act, Section 1118(b)(1)

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38 **R**

FINANCIAL MANAGEMENT **7220P**

Use of Federal Title I Funds Methodology

In accordance with the Every Student Succeeds Act (ESSA), Bigfork School District has adopted this procedure to ensure that Title I-A federal funds are supplementing District resources and not supplanting District resources. The procedure documents that the School District's neutrally determined distribution of state and local funds to each school within the boundaries of the School District is in compliance with federal law.

Bigfork School District is a district one grade span per school and is exempt from the methodology requirement.

The School District determines the resource allocation on total enrollment for each school as if the state and local funds are the only resources each school is receiving. Each school is given additional allocations for other needs such as technology, supplies, and additional necessary costs.

The School District groups schools by elementary or secondary grade span. Each grade span may receive a different per student amount, but all schools are treated the same whether or not these schools are served under Title I-A. There are approximately 600 elementary students and 346 secondary students in the School District.

The School District's state and local funds are allocated in a per student calculation. For full-time equivalency staff including administrators, educators, instructional staff, and school counselors, including salaries and benefits $_____ is allocated per elementary student and $_____ is allocated per secondary student.

Additional necessary costs, such as professional development, technology, lunch, library supplies, transportation, student activities, utilities, maintenance, safety, and security, are allocated at $_____ per student in all schools.

Cross Reference: 7220 – Use of Federal Title I Funds

Legal Reference: Elementary and Secondary Education Act, Section 1118(b)(1)

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

FINANCIAL MANAGEMENT **7250**

Rental or Lease of School District Property

The Board of Trustees through the Superintendent of Schools or his/her designee shall be authorized to rent or lease the real and personal property of the school district. Such property shall be rented or leased for lawful purposes only. The rental or lease shall be in the best interest of the school district and shall not interfere with the conduct of the district's educational program and related activities. Appropriate insurance requirements per Policy #4330 will be made of the renter. Proceeds from the rental or lease of property shall be deposited and expended according to statutory provisions.

Fees shall be charged according to 4330P.

Cross Reference: 4330, 4330P - Use of School Facilities

Legal Reference: 20-6-607, MCA
82-10-201, et. seq., MCA

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7251**

Disposal of School District Property

The Board of Trustees is authorized to dispose of a site, building, or any other real or personal property of the district that is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes Section 20-6-604, MCA.

To affect proper disposal, the Trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen days after the resolution is published in a newspaper of general circulation in the district.

Should any taxpayer properly protest the resolution during the fourteen days after the date of publication, the Trustees shall submit testimony to the court with jurisdiction.

Once the resolution has been adopted or if appealed, the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the school district. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building or any other appropriate fund.

Legal Reference: 20-6-604, MCA

Adoption Date: 5/18/95

Bigfork School District

FINANCIAL MANAGEMENT **7260**

Endowments and Gifts

The Board of Trustees may accept gifts, endowments, legacies, and devices subject to conditions imposed by the donor. Endowments received by the school district will be deposited to an endowment fund as an expendable or non-expendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate. Unless the conditions of the endowment instrument require immediate disbursement, money deposited in the endowment fund shall be invested by the Board according to the provisions of the Uniform Management of Institutional Funds Act (Title 72, chapter 30, MCA)

The Board authorizes the Superintendent to establish procedures for determining the suitability or appropriateness of all gifts to be received and accepted by the District. The Board shall have final approval of any gift to the school district, individual school, or department having a value of $1000 or greater.

Educational foundations which seek to promote, enhance and enable educational opportunities and school improvement activities in the District may solicit and receive tax deductible funds from donors. Educational foundations may be sanctioned by the Board but not managed or directed by it. The Board may appoint non-voting advisors to the foundation board if the by-laws of the foundation permit that action.

The Board directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the District. Funds not needed for current obligations may be invested in investment options as set out in Montana statutes whenever it is deemed advantageous to the District to do so.

Legal Reference:
§ 20-6-601, MCA Power to accept gifts
§ 20-7-803, MCA Authority to accept gifts
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213(4), MCA Duties of trustees
§ 20-9-604, MCA Gifts, legacies, devises, and administration of endowment fund

Policy History:
Adopted on:9/20/01
Revised on:

Bigfork School District #38

FINANCIAL MANAGEMENT **7280**

Investment of Funds

The Board of Trustees directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the school district. Funds which are not needed for current obligations may be invested in investment options as set out in Montana statutes whenever it is deemed advantageous to the school district to do so.

Legal Reference: 20-9-212, MCA
20-9-213(4), MCA Duties of Trustees

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7310**

Budget Implementation and Execution

Once adopted by the Board of Trustees, the operating budget shall be administered by the Superintendent's designees. All actions of the Superintendent/designees in executing the programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for the employment and assignment of staff shall meet the legal requirements of the state of Montana and adopted Board policies.

2. Funds held for contingencies may not be expended without approval from the Board.

3. A listing of expenditures describing goods and/or services must be presented for Board ratification each month.

4. Purchases shall be made according to the legal requirements of the state of Montana, adopted Board policy, and District procedures.

Legal Reference: 20-9-213, MCA Duties of Trustees
20-3-332, MCA Personal Immunity and Liability of Trustees

Adoption Date: 5/18/95

Purchasing

Authorization and Control

The Superintendent is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds $20,000 (*cannot exceed $80,000*), except the Superintendent shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Eighty Thousand Dollars ($80,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2nd) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Superintendent will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

> *In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and*

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integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor's skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of 20-9-204(3), MCA if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Legal Reference:	§§ 18-1-101, et seq., MCA	Preferences and General Matters
	§§ 18-1-201, et seq., MCA	Bid Security
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
	§ 20-10-110, MCA	School Bus Purchases – contracts- bids
	Debcon v. City of Glasgow, 305 Mont. 391 (2001)	

Policy History:
Revised on: September 18, 2013
Revised on: June 11, 2014

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Bigfork School District No. 38

FINANCIAL MANAGEMENT **7320P**

Purchasing

Authorization and Control

As a matter of appropriate administrative practice, the Superintendent will, at a minimum, solicit input from the Business Manager/District Clerk or chief financial officer of the district regarding the establishing of financial procedures. The Superintendent at his or her discretion may assign the development of financial procedures to the business office and monitor the procedures for compliance with statutory and regulatory requirements.

Reference: Policy 7320

Promulgated on: 10/13/99

Bigfork School District #38

FINANCIAL MANAGEMENT **7321**

Purchasing: Bids and Contracts

Whenever the cost of any supplies, equipment or work shall exceed $50,000.00, formal bids shall be called for by issuing public notice as specified in statute. Specifications shall be prepared and be made available to all vendors interested in submitting a bid.

The Superintendent shall follow bidding and contract awarding procedures for all purchases of furniture, equipment, supplies (except for books), or public works projects, the cost of which is estimated to be in excess of $50,000.00.

Bid procedures shall be waived only as specified in statute.

Projects above $15,000 and below $50,000 shall be submitted to the Board of Trustees for their review.

Legal Reference:	20-9-204, MCA	Conflicts of Interest, Letting Contracts and Calling for Bids
	18-1-101, et. seq., MCA	Public Contracts
	18-1-201, et. seq., MCA	Bid Security
	49-3-207, MCA	Nondiscrimination Provision in all Public Contracts
	37-71-203, MCA	Bids to Show Bidder is Licensed and Not Beyond a Contract Time.

Adoption Date: June 1, 1995
Revision Date: September 5, 2007

Bigfork School District #38

FINANCIAL MANAGEMENT **7325**

Accounting System Design

The school district accounting system shall be established to present with full disclosure the financial position and results of the financial operations of the school district funds and account groups in conformity with generally accepted accounting principles. The accounting system must be in compliance with the accounting system requirements established by legislative action. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7330**

Payroll Procedures/Schedules

The District will establish one (1) or more days in each month as fixed paydays for payment of wages in accord with the current collective bargaining agreement or District practice. Employees may choose to have their salaries paid in full upon the last pay date following completion of their assignments or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned (deferred payment) will be subject to Internal Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to (the first (1st) duty day) (July 1) of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first (1st) duty day of the fiscal year of the deferment.

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular payday for the pay period in which the employee left employment or within fifteen (15) days from the date of separation of employment, whichever occurs first.

Cross Reference: 5500 Payment of Wages upon Termination

Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation

Policy History:
Adopted on: 5/18/1995
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

7336

FINANCIAL MANAGEMENT

Travel Allowances and Expenses

Every District employee and trustee will be reimbursed for travel expenses while traveling outside the District and engaged in official District business. District employees who are not exempted by another policy will be reimbursed according to the current State levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and voucher forms and approved by the employee's supervisor and the Superintendent.

The District business office will be responsible for the development of procedures and forms to be used in connection with travel expense claims and reimbursements.

Legal Reference:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage – allowance

Policy History:
Adopted on:12/01/94
Revised on: 2/14/01
Revised on: 10/23/03

FINANCIAL MANAGEMENT

Travel Allowance Schedule

In-State Travel

Lodging (receipt required) $96.00 per night plus tax

Building level administrators will be responsible for lodging reservations. In the event employees make lodging arrangements, they should ask for the state per diem room rate. If that is not available, they have the option to expend up to the federal per diem room rate which is currently $83 per night. Contact the Business Office for current rates for these cities and high cost area maximum lodging per night rates.

Meal Allowance (includes tips) - receipts required

12:01 am-10 am	Morning meal	$ 7.50
10:01 am-3 pm	Mid-day meal	$ 8.50
3:01 pm-midnight	Evening meal	$14.50

In order to obtain one meal allowance, the travel must exceed three continuous hours in that time period.

Out of State Travel (contact District Office for Travel Expense Form)

Lodging (receipt required) $96.00 per night plus tax

Contact the Business Office for current rates for high cost cities.

Meal Allowance (includes tips) - receipts required

12:01 am-10 am	Morning meal	$13.00
10:01 am-3 pm	Mid-day meal	$15.00
3:01 pm-midnight	Evening meal	$26.00

In order to obtain one meal allowance, the travel must exceed three continuous hours in that time period.

If you stay in a non-receiptable facility, e.g. with friends or relatives or in a camper or trailer, or you fail to obtain a receipt, Section 2-18-501 (5), MCA, authorizes you to claim $12 per night for lodging expenses.

Fuel – Fuel will be reimbursed according to 2-18-503. A rate equal to the mileage allotment allowed by the United States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

NO RECEIPTS … NO REIMBURSEMENT

Travel Allowances and Expenses

The established purchase order system will be used whenever possible.

Travel Allowance Schedule

1. Travel paid using District funds will be according to state per diem.

2. Mileage Reimbursement:

   Mileage shall be reimbursed as required by § 2-18-503, MCA.

3. Commercial Air Transportation: Will be reimbursed according to the least expensive class of service available. A receipt is required.

4. The following items will not be reimbursed:

   Items for which personal receipts are required but are not provided: any personal expenses; telephone call charges; and alcoholic beverages.

Exceptions to the Travel Allowance Schedule

Exceptions to the travel allowance schedule will be applied under the following circumstances and situations:

1. The Superintendent of Schools specifically authorizes and approves the expenditures which exceed the allowance for travel expenses.

If an employee is supervising students or is required to attend the event, the district will reimburse the employee for lodging at the actual rate.

Credit Cards

ALL CREDIT CARD USE MUST BE PRE-APPROVED THROUGH THE BUSINESS OFFICE.

The school district business office will be responsible for obtaining and assigning the credit cards. The use of school district credit cards shall be authorized for specific purposes and only for expenses which are allowable under school policy and state law and only when the use of the purchase order system is not an option. Those purposes may include charges for school business meetings, travel expense allowances, and gasoline charges.

Credit cards which are the property of the school district may be used by authorized Trustees and employees for school district business only. Before payment will be made by the school district, the charges must be properly accounted for and documented, and approval made by the administrator with responsibility for the budget appropriations being used for the payment of the charges. School

district credit cards shall not be used for personal charges. Any improper personal charges are the employee's financial obligation.

The District Master/Visa Card will be used only when purchase orders and fuel cards are not accepted. The card must be requested in advance by the administrator with responsibility for the budget appropriations being used for the payment of the charges and returned to the business office at the end of the event. At the end of the trip, a detailed purchase order must be completed and attached to the receipt for proper approval before payment.

All credit cards (ATT, CONOCO, CFN, etc.) must be returned to the business office upon an employee's termination of employment or upon specific request of the Superintendent of Schools or the district clerk.

Adoption Date: 1/5/95
Revised: 12/4/97
Revised: 2/14/01
Revised: 10/23/03

Bigfork School District #38

FINANCIAL MANAGEMENT **7410**

Fund Accounting System

The school district accounting system shall be organized on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources. All related liabilities and residual equities or balances, and changes therein, are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The following types of funds and account groups shall be used by the school district as required by law and sound financial administration consistent with legal and statutory operating requirements.

Governmental Funds:
- General Funds
- Special Revenue Funds
- Capital Projects Funds
- Debt Service Funds

Proprietary Funds:
- Enterprise Funds
- Internal Service Funds

Fiduciary Funds:
- Trust and Agency Funds

Account Groups:
- General Long-Term Debt Account Group
- General Fixed Assets Account Group

A modified accrual basis of governmental accounting shall be utilized in measuring financial position and operating results.

Legal Reference: 20-9-201, MCA Definitions and Application

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7412**

Charging of School Lunch

Bigfork School District's Food Service program is a self sustaining program that is not subsidized with general fund money. While it is the desire of the Bigfork School District Board of Trustees that meals should not be withheld from students for lack of payment, it is understood that in order to maintain the food service program student accounts must be kept up to date. Every effort will be made to assist eligible families to apply for free or reduced meals and/or set up a payment plan if needed. The Board of Trustees authorizes the Food Service Director to manage Food Service Account notifications and replacement meals in the following manner:

1- Students in grades K – 5
   a. Students will receive notifications and balance statements in their Thursday folders when they have three meals remaining.
   b. Students may charge one replacement meal when funds are depleted from their account.
2- Students in grades 6 – 12
   a. Students will be notified verbally when they have three meals remaining in their account.
   b. Students may not charge a meal.

Adoption Date: January 6, 1999
Revised: April 18, 2007
Revised: September 10, 2014

Bigfork School District #38

FINANCIAL MANAGEMENT **7430**

Financial Reporting

The Board of Trustees directs that financial reports of all school district funds shall be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to the reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board of Trustees. The financial reports shall reflect the financial activity and status of the school district funds.

Appropriate interim financial statements and reports of financial position, operating results and other pertinent information will be prepared to facilitate management control of financial operations.

Legal Reference: 20-9-212, MCA
20-9-213, MCA

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7433**

Audits

The Board of Trustees directs that school district audits shall be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the school district and the school district funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every two years and cover the immediately preceding two fiscal years, or it may be conducted annually. The school district audits will be conducted by an independent auditor under the rules and regulations established by the Department of Commerce.

Legal Reference: 2-7-501 et. seq., MCA

Adoption Date: 5/18/95

Bigfork School District #38

FINANCIAL MANAGEMENT **7500**

Property Records

Property records and fixed asset records shall be maintained on all land, buildings and physical property under the control of the district. Such records shall be updated annually.

For purpose of this policy, "equipment" shall mean a unit of furniture or furnishings, and instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable and does not lose its identity when incorporated into a more complex unit. The Superintendent shall ensure that inventories of equipment are systematically and accurately recorded and are updated and adjusted annually. Property records of facilities and other fixed assets shall be maintained on an ongoing basis. No equipment shall be removed for personal or non-school use except according to Board policy. (see policy #8351)

Property records shall show, appropriate to the item recorded, the:

1. description and identification
2. manufacturer
3. date of purchase
4. initial cost
5. location
6. fund from which purchased

Equipment will be identified with a permanent tag that provides appropriate district and equipment identification.

Cross Reference:	#7510	
Legal Reference:	20-6-602 MCA	Trustee power over Property
	20-6-608, MCA	Authority and Duty of Trustees to Insure District Property

Adoption Date: 5/18/95

Revised on: 6/22/00

Bigfork School District #38

FINANCIAL MANAGEMENT **7510**

Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all of the following requirements.

1. Must be tangible in nature.

2. Must have a useful life of longer than the current fiscal year.

3. Must be of a value of $10,000 or more.

Fixed assets may be acquired through donation, purchase or may be self-constructed. The asset value for donations will be the fair market value at the time of the donation. The asset value, when purchased, will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the materials used and the cost of labor involved in the construction of the asset.

Cross Reference: 7500 Property Records

Policy History:
First Reading on: July 8, 2026
Second Reading/Approved on: August 19, 2026

Bigfork School District

FINANCIAL MANAGEMENT **7520**

Independent Investment Accounts

The Board may establish independent investment accounts, separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into the independent investment accounts from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal, and any interest earned, must be reallocated to the fund from which the deposit was originally made.

Prior to establishing an independent investment account, the District shall enter into a written agreement, binding for a period of not less than five (5) years, with the county treasurer.

The District may either:

1. Establish and use the account as a non-spending account, returning sufficient funds to the county treasurer in time to pay all claims against the applicable fund; or

2. Establish a subsidiary checking account and make expenditures from the investment account, providing that all transactions are accounted for and reported, as required by applicable accounting principles.

Legal Reference: S.B. 260, chapter 205, 2001 Session Laws

Policy History:
Adopted on: 9/20/01
Revised on:

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8000

Goals

In order for students to obtain the maximum benefits from their educational program, a complex set of support services must be provided by the District. These services are essential to the success of the District, and the staff that provides them is an integral part of the educational enterprise. Because resources are always scarce, all assets of District operations, including noninstructional support services, shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of the District is to seek new ways of supporting the instructional program that shall maximize the resources directly available for students' learning programs.

Policy History:
Adoption Date: August 12, 2004
Revised on:

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8100

Transportation

The District may provide transportation to and from school for a student who:

1. resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school.

2. is a student with a disability, whose IEP identifies transportation as a related service; or

3. has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The type of transportation provided by the District may be by a school bus or other vehicle, or by such individual transportation as paying the parent or guardian for individually transporting the pupil. The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. The Board may authorize children attending an approved private school to ride a school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is collected. The District may transport and charge for an ineligible public school student, provided that the parent or guardian pays a proportionate share of transportation services. Fees that are collected for the transportation of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and state law.

Legal Reference:
§ 20-7-441, MCA Special education child eligibility for transportation
§ 20-10-101, MCA Definitions
§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-122, MCA Discretionary provision of transportation and payment for this transportation
§ 20-10-123, MCA Provision of transportation for nonpublic school children
10.7.101, et seq., ARM Pupil transportation
10.64.101 - 700, et seq., ARM Transportation
No Child Left Behind Act of 2001 (P.L. 107-110)

Policy History:
Adoption Date: August 12, 2004
Revision Date:

Bigfork School District #38

NON-INSTRUCTIONAL OPERATIONS 8100P

Transportation of Family Members

Any driver who transports one of their own children for a purpose other than getting them to and from school must meet the following guidelines:

1. A letter from the contractor's insurance company, to the district, assuring that transporting the child does not change liability coverage.

2. Children under the age of four must be properly restrained as required by Montana Law for passenger cars.

3. In the case of a full load, the child cannot occupy the seat of an eligible transportee.

Policy History:
Execution Date: August 12, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8101

In-Town Busing

In-town busing will be defined as busing of students within three (3) miles from their school. In- town busing is a privilege the District can discontinue at any time. The Superintendent shall establish guidelines under which a student may request bus service within three (3) miles from school.

Policy History:
Adoption Date: August 14, 1995
Revised on: August 12, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8102

Contracting for Transportation Services

If the Board enters into a contract for transportation services, the contractor shall operate such equipment according to District policy and the rules and regulations of the Board of Public Education. The contract shall be in effect for not more than five (5) years. Prior to entering into the first such contract, the District shall determine that the cost of contracting for the ensuing term will not exceed the projected costs of operating its own system. Before any transportation contract to a private party or contractor is awarded, the trustees shall:

1. Secure bids by advertising for a twenty-one-(21)-day period (three (3) consecutive weeks); or

2. Negotiate a new contract with the present contractor, provided the new contract does not exceed by more than twelve percent (12%) per year the basic costs of the previous contract.

No money shall be expended unless a contract with a private carrier has been executed. The Board Chairman shall sign such contracts on behalf of the District.

The District reserves the right to own, operate, and to choose with respect to any other form of transportation, whether it be regular school, co-curricular, extracurricular, or District business programs, the means of transportation that best fits the needs of the District at that particular time, as judged by the Board.

Legal Reference:	§ 20-10-102, MCA	School bus requirements
	§ 20-10-107, MCA	Power of trustees
	§ 20-10-125, MCA	Bid letting for contract bus – payments under transportation contract
	10.7.108, ARM	Bus Contracts

Policy History:
Adoption Date: August 14, 1995 (was old policy #8101)
Revision Date: August 12, 2004

Bus Routes and Schedules

The Superintendent or his/her designee shall be responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to the approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses insofar as this is consistent with rendering safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turn-around points, capacity of bus, and other related factors.
2. Bus routes shall be planned to eliminate overlapping and empty bus miles insofar as possible.
3. Where alternate routes are considered, preference shall be given to the route more directly serving the largest number of students.
4. Buses shall be routed so that they travel over graded, surfaced (asphalt, gravel) roads only. County maintained roads shall be used for bus routes. Private roads shall not be used for bus routes without prior approval from the Superintendent.
5. Buses shall be routed so as to pass as near to the residence of the majority of their passengers as good, safe, economical travel conditions will warrant.
6. Bus routes will not be approved to drive up to the house of each patron to pick up the children.
7. In exceptional cases, it may be advisable for the bus to leave the main route and the private lanes of individuals, e.g. in emergencies such as stormy weather, illness, to pick up handicapped children, or to turn around at the end of a route.
8. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one hour without consent of the child's parent or guardian.
9. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.
10. Parents should be referred to the Superintendent or Designee for any request of change in routes, stops, or schedules.

The Trustees reserve the right to change, alter, add or delete any route at such time that such changes are deemed in the best interest of the district.

Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency, and inclement weather conditions.

Bus stops shall be chosen with the principle of safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet. Stops should always be located at a distance from the crest of a hill or curve to allow motorists traveling at the posted speed to stop within the sight distance.

School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. The principal of each building is responsible for the conduct of students waiting in loading zones.

Delay in Schedule

The driver is to notify the administration of a delay in schedule. the administration will notify parents on routes and radio station, if necessary.

Pupil Responsibilities

Proper pupil behavior is important. The distraction of the driver can contribute to accidents. Pupils and parents should be made aware of and abide by reasonable regulations to enhance safety. The consequences of unacceptable behavior should be clearly understood. The following will protect the pupil's rights and maintain order on the bus:

- Pupils must be aware that they are responsible for their actions and behavior.
- Pupils must know the rules and procedures and abide by them.
- Pupils must display respect for the rights and comfort of others.
- Pupils should realize that school bus transportation can be denied if they do not conduct themselves properly.
- Pupils should be aware that any driver distraction is potentially hazardous to their safety.
- Pupils should be aware of the dangers involved in and around loading and unloading zones, including the dangers of loose clothing, clothing accessories and other loose personal items.

Safety

The Superintendent shall develop written rules establishing the procedures for bus safety and emergency exit drills, and for student conduct while riding on buses.

The bus driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall

order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the Administration. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

The system must be used with judgment and courtesy. Its abuse causes resentment on the part of the public. A driver should allow approaching vehicles time to stop or pass before the flashing lights are used.

- Cellular Phone Use

    - Drivers are not to operate cell phones while driving a bus route. If there is an emergency, the driver should use the bus radio, or if the situation warrants, pull the bus over in a safe location and use the cell phone.
    - If a driver needs to be contacted because of a personal emergency, the message will be relayed through the District Transportation Office.
    - Cell phones may be kept on during activity trips, but are not to be answered by the driver while operating the bus. The driver may have an adult chaperon answer the phone or wait until at the trips destination and check the voicemail
    - The driver of the Special Education bus may use the phone while on the bus at stops or waiting at the schools, but the aide should answer the phone if the driver is driving.

Eligible Transportees

To qualify as an eligible transportee a student must meet the following criteria:

- The student must reside at least 3 miles from the nearest operating public school or school bus stop

- The student is considered to reside with his or her parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee lives when attending school.

- Transportation for the student must be listed as a related service I their Individual Education Plan (IEP). If this is the case, they are eligible even if they live within the three miles.

    - Note: Not all students receiving special education service are considered eligible riders. Only those students with transportation listed as a related service in their IEP are automatically eligible. Preschool children between the ages of 3 & 6 are always eligible even if the IEP does not address specialized transportation.

- The student must be between the ages of 5 and 21 or be a preschool child between the ages of 3 and 6 with a disability.

Inclement Weather

The School Board recognizes the unpredictability and resulting dangers associated with the weather in Montana and with other acts of God. To achieve the maximum safety for children and efficiency of operation, the Superintendent of Schools is empowered to make decisions as to the emergency operation of buses, the cancellation of bus routes and the closing of school in accordance with his/her best judgment. The School Board may develop guidelines in cooperation with the Superintendent to assist him/her in making such decisions.

Legal Reference: 20-10-106, MCA
20-10-132, MCA
20-10-121, MCA

Adoption Date: August 14, 1995
Revision Date: May 24, 2005

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8111

Transportation of Students with Disabilities

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

(a) travel to and from school and between schools;

(b) travel in and around school buildings or to those activities which are a regular part of the student's instructional program;

(c) specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Child Study Team who develops the disabled student's Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student's IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District's regular transportation system under policies and procedures applicable to all students of the District. Utilizing the District's regular transportation service shall be viewed as a "least restrictive environment."

Mode of Transportation

One of the District's special education buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or distance from school may seriously impact bus scheduling. In such situations, other arrangements, such as an individual transportation contract, may be arranged with the parents. Such voluntary agreement shall stipulate in writing the terms of reimbursement.

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities

Policy History:
Adoption Date: August 14, 1995
Revised on: August 12, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8121

District-Owned Vehicles

The District owns and maintains certain vehicles. Included among them are pickups, school buses, and vans. These are for use by properly authorized personnel of the District for District business purposes.

Any driver who receives a citation for a driving violation while operating a District vehicle shall personally pay all fines levied. All citations received while the driver is a District employee, whether operating a District vehicle or not, must be reported and may result in disciplinary action up to and including termination.

Bus and Vehicle Maintenance, District

Buses used in the District's transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol, before the beginning of each semester. The Superintendent shall establish a specific list of tasks that bus drivers shall perform on a daily basis. All other District vehicles shall be maintained following established programs as developed by the Superintendent.

Policy History:
Adoption Date: August 12, 2004
Revision Date:

MOTOR VEHICLE REPORT AUTHORIZATION FORM

I _____ authorize Western States Insurance Agency and Bigfork School District #38 to obtain a Motor Vehicle Report on my behalf.

Signed_____ Dated_____

Name of Driver:_____

Drivers License No:_____

Date of Birth:_____

State:_____

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8121P

District-Owned Vehicles

Any District employee who operates a District owned vehicle must complete a motor vehicle report authorization form (8121F) prior to vehicle operation. Completion of this form authorizes the District's insurance agent to access and review an employee driving record. A staff member with an unsatisfactory driving history will not be authorized to operate District vehicles.

Promulgated: July 5, 2005

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8123

Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. The District shall, at the beginning of each school year, provide each driver with a copy of the District's written rules for bus drivers and for student conduct on buses.

Each bus driver shall meet the qualifications established by the Superintendent of Public Instruction, including a valid Montana commercial driver's license and a Department of Transportation-approved physician's certification that he/she is medically qualified for employment as a bus driver. The bus driver shall also secure a valid standard first aid certificate from an authorized instructor within two (2) months after being employed and maintain a valid first aid certificate throughout employment as a bus driver. The bus driver must have five (5) years driving experience.

When a teacher, coach, or other certified staff member is assigned to accompany students on a bus, such person shall be primarily responsible for the behavior of the students in his/her charge. The bus driver shall have final authority and responsibility for the bus. The Superintendent shall establish written procedures for bus drivers.

Legal Reference:	§ 20-10-103, MCA	School bus driver qualifications
	10.7.111, ARM	Qualification of Bus Drivers
	10.64.201, ARM	Drivers

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS **8124**

Student Conduct on Buses

The general student code of conduct is applicable to conduct on school buses. If a bus is equipped with seat belts, all students are expected to wear the seat belt available in their seat from the time they sit down on the bus to the time they stand up to depart the bus at their assigned stop. This also applies to all field trips and activities. The bus driver is authorized to enforce this rule and report any violations of the rule to the superintendent for discipline in accordance with the general student code of conduct and this policy. Notification of the presence of seat belts and this rule will be placed on the bus and provided to parents.

The Superintendent may establish written rules of conduct for students riding school buses. Such rules will be reviewed annually by the Superintendent and revised if necessary. If rules are substantially revised, they will be submitted to the Board for approval.

At the beginning of each school year, a copy of the rules of conduct for students riding buses will be provided to students, and the classroom teacher and bus driver will review the rules with the students. A copy of the rules will be posted in each bus and will be available upon request at the District office and in each building principal's office.

The bus driver is responsible for enforcing the rules and will work closely with a parent and building principal to modify a student's behavior. Rules shall include consistent consequences for student misbehavior. A recommendation for permanent termination of bus privileges, accompanied by a written record of the incident(s) that led to the recommendation, shall be referred to the Superintendent for final determination. The student's parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

Cross Reference:	3310	Student Discipline
	8111	Transportation of Students With Disabilities
Legal Reference:	§ 20-4-302, MCA	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
	§ 20-5-201, MCA	Duties and sanctions

Policy History:
Adopted on: 08/14/1995
Revised on: 08/12/2004
First reading on: 7/13/22
Second reading/Adopted on: 8/18/22

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Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS **8125**

Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Superintendent. A copy of the emergency procedures shall be located in each bus. To ensure the success of such emergency procedures, each bus driver shall conduct an emergency evacuation drill within the first five days of each school semester. All students shall participate in an evacuation drill whether or not they ride a regular route bus. The district shall conduct such other drills and procedures as may be necessary.

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Bigfork School District #38

SCHOOL BUS VIDEO RECORDS 3236/8126

Statement of Policy

It is the policy of the Board of Trustees of Bigfork School District #38 to authorize the installation and use of video cameras to create a record of conduct on its buses. Recorded information from these cameras ("bus videos") showing students shall be treated as an "education record" and shall not be produced outside of School District except pursuant to a subpoena, court order, or release in accord with the Family Educational rights and Privacy Act ["FERPA," 20 United States Code 1232 (g), 34 CFR Part 99]. Bus videos showing employees shall be treated as a confidential personnel record. A bus video shall be maintained as an education or personnel record when the video is to be used at a disciplinary or other proceeding authorized by law.

Installation and Operation of Cameras

Any School District bus or private contractor may be equipped with a video camera capable of recording video and audio of the passengers, driver, and staff on the bus.

Cameras shall be activated and operated at the discretion of the Transportation Supervisor and need not be in operation at all times. Cameras shall not be activated or deactivated by the driver of a bus or staff member during the transport of students. However, a driver may request that the Transportation Supervisor insure that the events of a particular route be recorded.

No Expectation of Privacy

All speech and conduct on a School District bus is subject to being recorded, preserved, and examined by means of a bus video. No person on a School District bus shall have a legitimate expectation of privacy with respect to his or her conduct or speech on a School District bus.

Notice

The district will provide notice to students, parents, staff members, and approved volunteers, that video cameras with audio capabilities may be used on school transportation while transporting students to and from curricular and extracurricular activities.

No Guarantee of Recording

By this Policy, the School District does not guarantee that every bus will be equipped with a video camera, that the video camera on a specific bus will be in operation at a specific time, or that a video camera will record specific conduct or expression.

Collection and Preservation of Bus Videos

Bus videos shall be collected and maintained under the supervision of the Superintendent or designee and may be released for re-use if a written request to preserve a specific bus video is not received by the Superintendent or designee within ten (10) calendar days of the day the

bus video is made. For purposes of calculating this ten (10) day period, the day on which the bus video is taken shall not be counted. The ten (10) day period expires at 3:00 p.m. on the tenth day.

If the Superintendent or designee receives a written request to preserve a bus video, the bus video shall be preserved for an additional (30) thirty calendar days. If a request for the bus video is not received in the (30) thirty day period following the initial written request, the Superintendent may release the bus video for re-use or destruction.

District Use of Bus Video

A bus video made pursuant to this Policy may be used in support of the discipline of a student or employee without a release from the persons recorded on the bus video.

Viewing of a Bus Video

A parent/guardian of a student pictured on a bus video may be permitted by the Superintendent or designee to view a bus video if it has been preserved pursuant to the guidelines of this policy.

Production of Bus Video Outside of the School District

A person requesting production of a bus video where the video constitutes a student record under FERPA or a confidential personnel record shall file a written request with the Superintendent. The request shall contain a written release from each person in the video age 18 and over, and the parent/guardian of each minor pictured or heard on the bus video requested. If the only student recorded on a bus video is the child of a parent/guardian, a copy of a bus video may be provided to the parent/guardian. In lieu of written release, digital cameras with capabilities of obscuring identifying personal features may be used to protect the identity of other students when necessary.

The Superintendent is authorized to develop forms and administrative guidelines to implement this Policy.

Cross Reference: 3235 Video Surveillance

Legal Reference: 45-8-213(1) MCA
USC 1232(g), 34 CFR Part 99 – FERPA

Adoption Date: April 1, 2004

Bigfork School District #38

SCHOOL BUS VIDEO RECORDS 3236p/8126p

School Bus Video Records

The district will comply with provisions of state and federal law regarding education record requirements, including the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act, as applicable to the district's use of video recordings. Video recordings that become part of a student's education record will be maintained in accordance with established education record procedures governing access, review, and release of education records. Video recordings considered for retention, as part of an employee's personnel record, will be maintained in accordance with established Board personnel policies, administrative regulations, and collective bargaining agreements governing access, review, and release of employee personnel records.

Camera Installation

Each and every school bus owned, leased, contracted and/or operated by the school district shall be equipped with a fully-enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded on tape. Video cameras will be rotated on school transportation vehicles transporting students to and from curricular or extracurricular activities at the discretion of the coordinator of transportation. A video camera will not necessarily be installed in each and every school bus owned, leased, contracted and/or operated by the school district, but cameras may be rotated from bus to bus without prior notice to students. Video cameras will be placed on a particular school bus, to the extent possible, where the school district has received complaints of inappropriate behavior.

Notice

The district will provide notice to students, parents, and staff that video cameras with audio capabilities may be used on school transportation vehicles transporting students to and from curricular and extracurricular activities. Notices will be provided in the following manner:

1. Sign posting on each bus
2. Student handbooks
3. Employee handbooks
4. Bus rider registration form
5. Written notice to all drivers
6. Notice to staff
7. Provision in bus contract

Viewing

The transportation director will review the videotapes on a random basis or in response to specific complaints or concerns.

Viewing of video recordings by school personnel is restricted to administrative staff, the transportation director, and other staff, as approved by the Superintendent for specific incidents or circumstances. The Superintendent shall base the decision for approval on a "need to know" basis. Viewing of a video by a parent/guardian of a student pictured on a bus video is permitted upon approval of the Superintendent.

Storage/Security

All video recordings will be stored and secured y the Transportation Director to ensure confidentiality. Video recordings will be stored for (10) ten school days after initial recording. These recordings will then be erased unless they become part of a student's education record or employee's personnel record. Video recordings held for review of student or staff incidents will be maintained in their original form pending resolution. The tape will then be either erased or retained as necessary as part of the student's education record and/or employee's personnel record in accordance with the established district procedures.

Reproduction of Bus Video

Video recordings remain the property of the district and may be reproduced only in accordance with an applicable court order, state or federal law, school board policy or collective bargaining agreement.

Promulgation Date: April 1, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8132

Activity Trips

The use of school buses is strictly limited to school activities. Buses may not be loaned or leased to non-school groups unless permission is specifically granted by the Board. On all activity runs, buses will be operated by a qualified bus driver, and only authorized activity participants, professional staff, and chaperones assigned by the administration may ride the bus.

Any driver or chaperone may request their own children be transported under the following guidelines.

1. Have written approval of the building principal
2. Children under the age of four year old must be properly restrained as required by Montana Law for passenger cars.
3. In the case of a full load, the child cannot occupy the seat of an eligible transportee.

A duplicate copy of the passenger list will be made for all activity trips. One (1) copy will remain with the professional staff member in charge on the bus and one (1) copy will be given to the Activities Director before the bus departs.

Policy History:
Adoption Date: August 12, 2004
Revision Date: September 9, 2015

Transportation of students by vehicles not owned by the district:

SUBCONTRACTORS PERFORMING TRANSPORTATION SERVICES FOR THE DISTRICT:

Certificates of insurance of commercial general liability insurance with limits of at least $500,000 are required for all contractors.

Certificates of Worker's Compensation insurance are required.

Certificates are to be filed in the district office prior to the commencement of work.

Insurance for Un-Insured and Under-Insured Motorists with limits of $500,000 will be required of all contract drivers when their contract is renewed after July 1, 1995. The district will pay for Un-Insured and Under-Insured coverage for all contract drivers until their present contract expires.

USE OF VEHICLES NOT OWNED BY THE DISTRICT BUT USED FOR SCHOOL BUSINESS:

The use of a private vehicle for transporting students must have written permission from the Superintendent or designee.

- ✓ This permission may be in the form of a standing permit for employees or citizens who use their own vehicles regularly for school purposes. The permit will state the particular purpose, and whether it includes transportation of students.

- ✓ For every special trip involving students, including field trips, a special permit must be obtained in advance for the specific trip.

- ✓ The Board specifically forbids any employee or citizen to transport students for school purposes without prior authorization by the Superintendent or his designee except in emergency situations as determined by the supervisor on site.

- ✓ No student will be sent on non-curriculum-related school errands with his own vehicle, an employee's vehicle, or a District-owned vehicle.

Proof of individual vehicle owner automobile liability insurance is necessary when vehicles not belonging to the district are used for school business. A copy of the declarations page of the auto policy with a limit of at least $500,000 on the individual's personal liability policy is required. Documentation is to be filed at the Superintendent's office prior to the use of the vehicle.

Policy History:
Adopted On: August 14, 1995
Revised: October 16, 2000
Auto policy limit revised: 1/23/02
Revised: October 18, 2006
Revised: February 17, 2010

Bigfork School District No. 38

Private Vehicle Transportation

Parent Authorization and Hold Harmless Agreement

School District Transportation may not always be available for student transport to school sanctioned activities. District approved community members may transport students under the following conditions:

- District bus transportation is not available.
- The Activity Supervisor must designate specific drivers.
- Designated drivers must complete Request Form No. 8133P and provide proof of automobile liability insurance of at least $500,000.
- Parents of students to be transported must authorize transport by signing the Hold Harmless Agreement as part of this approval document

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HOLD HARMLESS AGREEMENT

The undersigned on behalf of _____hereby indemnifies and holds the Bigfork School District No. 38 harmless to the extent permitted by law for any injury or harm that may occur to students while being transported to a school sanctioned activity by an approved designated citizen driver or coach.

Dated this _____ Day of _____, 20___

_____
Printed Name of Parent or Guardian

_____
Signature of Parent or Guardian

[For Office Use Only]

☐ Approved Designated Driver Identified
☐ Parent Signature Obtained and Hold Harmless Agreement Completed
☐ Designated Driver List Submitted to District Insurance Carrier by District Office
☐ Administration Verification Completed and Approval Granted by _____ (please initial)

BIGFORK SCHOOL DISTRICT #38

COMMUNITY RELATIONS **8133P**

REQUEST TO TRANSPORT STUDENTS IN PRIVATE VEHICLE (NON-CONTRACTED SERVICE)

All parents, citizens, and district employees who volunteer to transport students for field trips or other school-sponsored activities in a private vehicle must have proof of automobile liability insurance with limits of at least $500,000.

Notice To Volunteer Drivers:

> Please note that if you are involved in an automobile accident while driving your own vehicle on behalf of the school district your insurance coverage will be the primary carrier in all circumstances.

Name of Volunteer: _____

Name of Insurance Carrier: _____

Proof of $500,000 liability: ☐ Viewed Copy of Policy
☐ Certificate from Insurance Agent
☐ Other _____

Date of Activity:_____

Type of Activity:

School Person Organizing Activity: _____

DISTRICT SUPERINTENDENT AUTHORIZING THE ABOVE NAMED PERSON TO TRANSPORT STUDENTS IN A NON-DISTRICT OWNED VEHICLE:

_____ _____
Superintendent's Signature Date

Revised October 18, 2006
Auto policy limit revised on 5-28-2009

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS

Use of School Buses 8134

Transport of non-district students or community members

The Superintendent or his designee is authorized to approve transportation services to non-district students of public schools under the following conditions:

- District transportation requirements including activities have first priority
- The District is noted as additionally insured for transportation purposes on the liability insurance policy of the district receiving services.
- The receiving district indemnifies and Holds Harmless the Bigfork School District
- All costs of transportation services including fuel, driver wages and supervision are charged to the receiving district.

Contracting with Emergency Service Agencies

The Board may enter into contract for use of District buses by emergency service agencies. The following conditions for approval of the contract are to be considered.

- District transportation requirements should have first priority.
- Proof of insurance is provided at a coverage level recommended by the District's liability insurance carrier.
- All associated costs are reimbursed to the District including fuel, maintenance, driver costs and supervision as provided.

The Board shall not approve the use of District buses for commercial purposes, community service organizations, private groups or citizens.

All users of District buses or transportation services are subject to Board Policy 4332 – Conduct on School Property. All student users are subject to Board Policy and Transportation Department behavior rules.

District bus/transportation contract 8134F shall be used for all contracted services.

Adoption Date: November 5, 1998
Revision Date: October 18, 2006

Bigfork School District #38
Out of District Transportation Agreement

8134F

As a courtesy to neighbor public schools the Bigfork School District may agree to transport out of district students under special circumstances when requested. The following stipulations apply:

- Requested transportation services shall not in any way impose on the ability of the Bigfork School District to provide transportation services to district students.

- Requesting district must provide the following
  - Hold Harmless Agreement signed by the authorized district representative
  - Certificate of liability insurance naming Bigfork School District #38 as additional insured
  - Reimbursement for expenses to include fuel costs and driver expenses (may be waived if the route or cost is minimal)

Name of School District:_____

Mailing Address:_____Phone #:_____

Transportation Service Requested:_____

Pick up Locaton(s):_____

Pick up Date:_____Pick up Time:_____ Drop off time:_____

Authorized Representative (Print Name):_____

*Signature of Authorized Representative:*_____

DATE:_____

HOLD HARMLESS AGREEMENT

Comes now, _____, as a duly authorized representative of _____ utilizing the transportation services provided by Bigfork School District #38.

The undersigned on behalf of _____, hereby indemnifies and holds the Bigfork School District #38 harmless to the extent permitted by law for any injury or harm that may occur to students while being transported on a Bigfork School District Bus.

Dated this _____ Day of _____, 20_____.

_____
AUTHORIZED REPRESENTATIVE OF ORGANIZATION

[FOR OFFICE USE ONLY]

Hold Harmless Agreement completed? ☐

Certificate of Liability Insurance Naming <u>BIGFORK SCHOOL DISTRICT #38</u> as additional insured? ☐

Reimbursement Expenses Paid? ☐ **Amount?** _____

Use of School Buses:

Application for use of a school bus or buses shall be made in the Transportation Office who shall have authority to accept or deny the application.. The Director of Transportation shall be responsible for developing a request form and contract which outlines the requirement for use of a school bus.

The Director of Transportation shall determine a fee schedule for use of all district owned buses. The fee schedule shall be evaluated on an annual basis. For rate purposes, the organization(s) seeking the use of the school bus(es) have been divided into three categories:

Category 1 Those activities that are directly related to the Bigfork School District and its students: athletics, field trips, and special events

Category 2 Groups which are basically community groups: churches, civic organizations whose activity is primarily for school-age children and whose adult leaders are non-paid advisors or chaperones and whose purpose is the education or entertainment of children

Category 3 All community non-profit organization with IRS Section 501 (c) (3) status (IRS numbers) and community groups not providing a service to school-age children.

District buses shall not be available for use by for-profit organizations, non-profit organizations from outside the community, or by private groups or individuals.

Sponsoring organizations and groups using school buses shall provide sufficient and competent help and/or supervision. The amount of supervision shall be agreed upon at the time the contract is issued. The district's bus driver shall make all decisions regarding safety issues while the trip is in progress.

Alcoholic beverages, smoking, and narcotics shall not be permitted on the buses or on school property at any time.

In the event property loss or damage is incurred during bus use, the amount of the damage shall be decided by the transportation director and the bill for damages shall be presented to the group using or occupying the bus(es) during the time the loss or damage occurred.

No group shall travel more than a 200 mile distance from the school without special permission from the district's insurance carrier.

Petitioners whose application is denied may appeal to the superintendent whose decision shall be final.

All fees are to be paid and receipted in the District Office. All charges are based on a one-hour use and are the minimum charges.

RATE SCHEDULE:

Category 1	The appropriate General Fund Budget shall be charged for the directly incurred driver and fuel costs.
Category 2	$12.50 per hour for the driver plus $1.25 per mile.
Category 3	$15.00 per hour for driver plus $1.50 per mile.

Promulgated: November 8, 1998

Bigfork School District #38 **R**

NONINSTRUCTIONAL OPERATIONS **8200**

Food Services

The District supports the philosophy of the National School Lunch Program and shall provide wholesome, appetizing, and nutritious meals for children in District schools. The Board may authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for federally connected indigent students.

Because of the potential liability of the District, the food services program shall not accept donations of food without approval of the Board. Should the Board approve a food donation, the Superintendent shall establish inspection and handling procedures for the food and determine that provisions of all state and local laws have been met before selling the food as part of school meals.

As an integral part of a school, the District's food service is operated in compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments.

Commodities

The District shall use food commodities made available under the Federal Food Commodity Program for school meals.

Free and Reduced-Price Food Services

The District shall provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District shall inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals shall be confidential, in accordance with National School Lunch Program guidelines. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

The Board may establish programs whereby meals may be provided in the District in accordance with National School Lunch Program guidelines.

The amount charged for such meals shall be sufficient to cover all costs of the meals, including preparation labor and food, handling, utility, and equipment depreciation costs.

Legal Reference:	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-205, MCA	Allocation of federal funds to school food services fund for federally connected, indigent pupils
	§ 20-10-207, MCA	School food services fund
	37.111.842, ARM	Food Service Requirements

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Meal Charge Policy

Note: For the purpose of this policy, parent includes guardian, caretaker relative, and any adult responsible for the care of the child.

The goal of the Bigfork School District is to allow children to receive the nutrition they need to stay focused during the school day. The purpose of this policy is to ensure compliance with federal reporting requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances.

The District complies with Federal USDA policies on meal charging and debt collection. All meal charges must be paid directly to the Bigfork School District.

If a student is without meal money, the administration will take action deemed necessary to collect unpaid meal charges while ensuing the nutritional needs of the student are met in providing the student with a regular meal. If financial hardship exists, parents and families will be encouraged to apply for free or reduced price lunches for their child(ren).

Below are examples that could be incorporated into the district meal charge policy.

Meal Charges

Option: Students/Parents pay for meals in advance via https://www.mymealtime.com/ or with a check payable to Bigfork School District. Further details are available on our webpage at [enter web address]. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

Option: Parents are responsible for meal payment to the food service program. Notices of low or deficit balances will be sent to parents at regular intervals during the school year.

Option: Parents can track balances themselves online at mymealtime.com, sign up for meal notification for free, and set up an auto payment low-balance threshold by following the links to https://www.mymealtime.com/

Zero-Balance Prevention

Refunds for withdrawn or graduating students. A written request for a refund of any money remaining in their account must be submitted. An e-mail request is also acceptable. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Option: Unclaimed Funds must be requested within one school year. Unclaimed funds will become the property of the Bigfork School District Food Service Program.

Uncollected meal debt may be sent to collections per state and/or federal guidelines.

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Legal Reference: https://www.fns.usda.gov/school-meals/policy
Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Procurement Policy for School Food Purchases and Use of Federal Funds

The School District will adhere to the following requirements for any procurement related to food service:

Purchase Procedures & Thresholds:

Definition/Instructions

Micro-Purchase: Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable. To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers. The school district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. School districts may use the Federal micro-purchase threshold of up to $10,000 or may establish a higher threshold, up to $50,000 if the district self-certifies (CFR 200.320(a)(1)(iv)).

School District's Established Micro-Purchase threshold:

The School District's Micro Purchase Threshold is: $10,000.

Small Purchases greater than $10,000 up to $80,000 is the small purchase threshold for the state of Montana per Section 20-9-204, MCA.

- Small purchases will be handled in a fair and equitable manner consistent with district policy on purchasing.
- The District will obtain two or more quotes from qualified sources.
- The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

Formal Purchases greater than $80,000:

- If the aggregate amount exceeds eighty thousand dollars ($80,000), the contract must be awarded through a formal bid process and a call for bids or request for proposals shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of avoiding the formal procurement process.
- The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

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Bid Specifications:

The School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors. Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Geographic Preference:

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

Buy American:

The District will adhere to "Buy American" for the food service program 7 CFR 210.21(d). Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. There are two limited exceptions when non-domestic foods may be purchased. These exceptions are determined by the SFA:

- The food or food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the cost of a United States food or food product is significantly higher than the nondomestic product--Food preferences can only be met with foreign goods.
- SFA must document exceptions and keep records.

Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. 2 CFR 200.321(a):

- The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Standards of Conduct for District Employees:

- The School District maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:

- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district's need to obtain quality services and supplies.

- No District employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
    - The employee
    - Any member of his/her immediate family
    - People with whom there is an intimate personal relationship
    - An organization which employs or is about to employ any of the above

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- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.

- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Policy History
First reading on: 5/15/24
Second reading/Adopted on: 6/3/24

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Bigfork School District #38

NON-INSTRUCTIONAL OPERATIONS **8225**

Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, pipe smoking tobacco, smokeless tobacco, vapor product, alternative nicotine product or any other tobacco or nicotine delivery innovation.

Use of tobacco or nicotine products in a public school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member, concerning the risks associated with using tobacco products or in connection with Native American cultural activities.

For the purpose of this policy, "public school building or public school property" means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children, that is established and maintained under the laws of the state of Montana at public expense; and

- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school vehicles.

Violation of the policy by students and staff will be subject to actions outlined in District discipline policies.

Use of FDA-approved cessation devices may be permitted at school buildings and on school grounds with the approval of the building administrator.

Legal Reference:	§ 20-1-220, MCA	Use of tobacco product in public school building or on public school property prohibited
	§ 50-40-104(4)(e), MCA	Smoking in enclosed public places prohibited – notice to public - place where prohibition inapplicable
	ARM 37.111.825(5)	Health Supervision and Maintenance
	42 U.S.C. 1996, 1996a	American Indian Religious Freedom Act

Policy History:
First reading on: 6/29/22
Second reading/Adopted on: 7/13/22

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Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8230

Nutrition

The District shall provide school meals which meet or exceed the nutritional standards required by state and federal school lunch programs.

The Superintendent shall establish rules for the sale of foods during the school day. To encourage the eating of nutritious lunches, competitive food services shall not be permitted to operate anywhere on school premises during or for the period of one (1) hour before and after the lunch period.

Any food sales of an occasional nature must have the prior approval of the principal.

Legal Reference: § 20-10-204, MCA Duties of trustees

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Bigfork School District #38

NON-INSTRUCTIONAL OPERATIONS **8300**

Risk Management

The Board believes the district must identify and measure risks of loss due to the damage or destruction of district property or to claims against the district by others claiming to have been harmed by the action or inaction of the district, its offices or staff. A risk management program shall be implemented to reduce or eliminate risks where possible, and to determine which risks the district can afford to assume. Such a program shall consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring or joint employment of a risk manager. The Trustees shall assign the primary responsibility to the administration and supervision of the risk management program to the Superintendent. The Board shall review the status of the risk management program each year.

The district shall purchase and pay for surety bonds for the Superintendent, Clerk and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the district's financial operations.

Legal Reference:	§ 20-6-608, MCA	Authority and duty of trustees to insure district property
	§ 20-3-331, MCA	Purchase of insurance – self-insurance plan
	§§ 2-9-101, et seq., MCA	Liability Exposure
	§ 2-9-211, MCA	Political subdivision insurance
	§ 2-9-501, MCA	General Provisions Related to Official Bonds

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

District Safety

For purposes of this policy, *"disaster means the occurrence or imminent threat of damage, injury, or loss of life or property"*.

The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the District. Rules for safety and prevention of accidents shall be posted in compliance with the Montana Safety Culture Act and the Montana Safety Act. Injuries and accidents shall be reported to the District office.

The board of trustees has identified the following local hazards that exist within the boundaries of its school district:

Fire, Earthquake, High Winds, Intruders, Firearms, etc.

The building principal shall design and incorporate drills in its school safety or emergency operations plan to address the above stated hazards. The trustees shall certify to the office of public instruction that a school safety or emergency operations plan has been adopted. This plan and procedures shall be discussed and distributed to each teacher at the beginning of each school year. There shall be at least eight (8) disaster drills a year in a school. All teachers shall discuss safety drill procedures with their class at the beginning of each year and shall have them posted in a conspicuous place next to the exit door. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record shall be kept of all fire drills.

The trustees shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to school safety and security.

To ensure a safe school setting and to comply with regulations governing schools in Montana, the following safety measures shall be implemented in the District:

(a) Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use. Custodial closets, boiler rooms, and other areas where hazardous or poisonous compounds are stored must be inaccessible to students.

(b) All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.

(c) Chemicals must be stored as specified by the chemical's Safety Data Sheet.

(d) The school and school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.

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(e) First aid kits and AEDs must be provided and stored in accessible locations that are easily identifiable to staff and trained personnel.

(f) Playground and school yards must be inspected every month by the facility manager or other school personnel and the inspection must be recorded and records kept on the school site. Inspections must be conducted using a playground safety checklist approved by DPHHS.

(g) Playground inspection results must be made available for review by the local health authority or DPHHS upon request.

(h) Periodic maintenance and repair must be performed on playground equipment according to the manufacturer's specifications. Repairs, not including the leveling of fall protection material, must be documented.

(i) Playground equipment must be maintained in a safe condition.

Legal Reference:	§ 20-1-401, MCA	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§§ 39-71-1501, et seq., MCA	Montana Safety Culture Act
	37.111.812, ARM	Safety Requirements

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

NON-INSTRUCTIONAL OPERATIONS 8301F-1

TRANSPORTATION ACCIDENT/INJURY INCIDENT REPORT
BIGFORK SCHOOL DISTRICT #38

Date & Time of Accident/Injury:_____

Location of Accident/Injury:_____

Reported by & Title:_____

Law enforcement notified: YES ☐ NO ☐

Law enforcement officer name & badge #:_____

Law enforcement entity name & address:_____

Law enforcement investigation/report #:_____

Was professional Medical response at scene: YES ☐ NO ☐

(It is recommended that in the event of bodily injury you call 911 and get medical attention for the injured party).

Medical Response entity name & address:_____

Was injured party transported by ambulance: YES ☐ NO ☐

Name of injured or owner of damaged property:_____

Address:_____

Phone #s: Home_____ Cell_____ Work_____

What are the apparent injuries or damaged property:_____

_____

_____

_____

Witnesses

Name:_____

Address:_____

City:_____ State:_____ Zip Code:_____

Name:_____

Address:_____

City:_____ State:_____ Zip Code:_____

(Use an additional piece of paper if necessary)

Description/Cause of Injury/Accident:

(Use an additional piece of paper if necessary)

REPORT THIS OCCURRENCE IMMEDIATELY TO YOUR SUPERVISOR AND TURN THIS FULLY COMPLETED FORM IN AT THE TIME YOUR REPORT.

STUDENT ACCIDENT/INJURY REPORT

Bigfork School District #38 **8301F-2**

DATE OF ACCIDENT: _____ **TIME OF ACCIDENT**:_____

NAME OF INJURED: _____ **PARENT'S NAME:** _____

AGE: **SEX:** **GRADE:** **SCHOOL:**_____

HOME ADDRESS: _____

HOME PHONE: _____ **PARENT'S WORK PHONE:** _____

LOCATION OF ACCIDENT: _____

DESCRIPTION OF ACCIDENT: _____

_____

_____

_____

_____

_____

_____

_____

PERSON IN CHARGE WHEN ACCIDENT OCCURRED: _____

IMMEDIATE ACTION TAKEN: ☐ First-aid Treatment ☐ Sent to School Nurse

☐ Taken Home ☐ Referred to Doctor ☐ Sent to Hospital By Whom:_____

NOTIFICATION: ☐Parent ☐Guardian ☐Doctor ☐Nurse ☐Teacher ☐Other_____

How Notified:_____When:_____By Whom:_____

DISPOSITION: ☐Taken Home ☐Taken to doctor's office ☐Taken to hospital ☐Other_____

WITNESSES: Name:_____Address:_____ Phone:_____

Name:_____Address:_____Phone:_____

Name:_____Address:_____Phone:_____

MISCELLANEOUS INFORMATION:

_____

_____

Person Submitting Report_____Contact Phone No. _____

Signed by Principal /Nurse_____ Contact Phone No. _____

EMPLOYEE ACCIDENT/INJURY REPORT

Bigfork School District #38 **8301F-3**

DATE OF ACCIDENT: _____ **TIME OF ACCIDENT**: _____

NAME OF INJURED: _____ **BIRTHDATE**: _____

HOME ADDRESS: _____

HOME PHONE: _____

LOCATION OF ACCIDENT: _____

DESCRIPTION OF ACCIDENT:(what happened, how it happened, the cause, resulting injury, etc)_____

_____

_____

_____

_____

_____

_____

_____

PERSON IN CHARGE WHEN ACCIDENT OCCURRED: _____

IMMEDIATE ACTION TAKEN: ☐ None ☐ First-aid Treatment ☐ Seen by School Nurse

☐ Went Home ☐ Referred to Doctor ☐ Sent to Hospital; by whom:_____

NOTIFICATION: ☐ Supervisor ☐ Doctor ☐ Nurse ☐ Colleague ☐ Other_____

How: _____When: _____By Whom:_____

DISPOSITION: ☐ None ☐ Taken Home ☐ Taken to doctor's office ☐ Taken to hospital

☐Other_____

WITNESSES: Name:_____Address:_____ Phone:_____

Name:_____Address:_____Phone:_____

Name:_____Address:_____Phone:_____

MISCELLANEOUS INFORMATION:

_____

_____

Employee Signature ___ _____Contact Phone No. _____

Signed by Principal /Nurse/Supervisor_____ Contact Phone No. _____

Bigfork School District #38

NON-INSTRUCTIONAL OPERATIONS 8310

Liability Insurance

Pursuant to Section 2-9-111, MCA, trustees are immune from suit for damages arising from legislative actions that result in adoption of school board policies. School district employees are also are immune from suit for damages arising from the lawful discharge of an official duty associated with the legislative acts of the Board.

The district shall maintain sufficient liability insurance to protect the district and its trustees and employees against claims alleging personal injury or property damage. The amount and terms of such insurance protection shall be regularly reviewed as part of the district's risk management program.

Pursuant to Section 2-9-305, MCA, the district shall indemnify and defend its trustees and employees civilly sued for actions taken within the course and scope of their office or employment provided that the conduct upon which the claim is based does not constitute oppression, fraud, or malice, or a criminal offense as defined in Title 45, chapters 4 through 7, MCA; the trustee or employee did not compromise or settle the claim without the consent of the Board; and the trustee or employee cooperated reasonably in the defense of the case.

Legal Reference: 2-9-111, MCA
2-9-305, MCA

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Bigfork School District

NONINSTRUCTIONAL OPERATIONS 8320

Property Damage

The District shall maintain a comprehensive insurance program which shall provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles.

The comprehensive insurance program shall maximize the District's protection and coverage while minimizing the costs for insurance. This program may include alternatives for sharing the risk between the District and the insurance carrier, and through self-insurance plans.

Privately-Owned Property

The District shall not assume responsibility for the maintenance, repair, or replacement of any privately-owned property brought to a school or District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8410

Records Management

A fireproof vault will be provided for the permanent retention of records, including Board minutes, annual audit reports, employment records of all staff, and permanent student records.

At the beginning of each fiscal year, an application for destruction of records, per state statute, is completed and forwarded to the local government records subcommittee for approval. Upon approval from the local government department, a list of all records having met retention requirements will be presented to the Board for consideration to be destroyed. After receiving approval from the Board, the records are shredded. Records may be destroyed as set forth in §§ 20-1-212, MCA, and 2-6-401, et seq., MCA.

All records related to the hiring process shall be retained for at least two (2) years. Student records must be permanently kept, and employment records must be kept for ten (10) years after termination.

Legal Reference:	§ 2-6-403, MCA	Duties and responsibilities
	§ 20-1-212, MCA	Destruction of old records by school officer
	§ 20-7-101(2), MCA	Standards of accreditation
	§ 20-9-215, MCA	Destruction of certain financial records

Policy History:
Adoption Date: August 14, 1995
Revision Date: August 12, 2004

Water Supply Systems and Wastewater

The District shall ensure an adequate and potable supply of water for school buildings and properties by either:

(a) connecting to a compliant public water supply system; or
(b) utilizing a non-public system whose construction and use meet the standards published by DPHHS if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public water supply system is not accessible. When using a system outlined in this subsection (b) a school shall submit a water sample at least quarterly to a laboratory licensed by the DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS.

A water supply system of a type other than described in subsections (a) or (b) may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by DPHHS or local health authority. When using a system outlined in this paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPPHS, DEQ, or local health authority.

The District shall replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels acceptable to DPPHS, DEQ, or local health authority.
(b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

If the District cannot make water under pressure available, the drinking water from an approved source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be provided.

Flushing and Testing

The District shall review water systems and features including but not limited to sink faucets, drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create and implement a flushing program unless it meets the established waiver requirements established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District

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receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

(a) connecting to a compliant public wastewater system; or
(b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular 4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

Legal References:
37.111.832, ARM Water Supply System
ARM Title 17, chapter 38, subchapter 1
17.38.207, ARM Maximum Microbiological Contaminant Levels
DEQ Circular FCS 1-2016.
DEQ Circular 4
10.55.701(s), ARM Board of Trustees
10.55.701(l), ARM Board of Trustees
10.55.701(q), ARM Board of Trustees

Policy History:
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8421

Computer Software

The unauthorized copying of any computer software which is licensed or protected by copyright is theft. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by the copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Policy History:
Adoption Date: August 12, 2004
Revision Date:

Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS **8425**

Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Bigfork School District will permit the use of service animals by an individual with a disability according to state and federal regulations. The School District will honor requests for service animals in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The work or tasks performed by a service animal must be directly related to the handler's disability.

Examples of work or tasks performed by the service animal to accommodate an identified disability include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal´s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it;
- Or the animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:	Policy 8425P	Procedure for allowance of service animals
	Policy 2161	Special Education
	Policy 2162	Section 504 of the Rehabilitation Act of 1973
Legal Reference:	28 CFR 35.136	Service Animals
	28 CFR 35.104	Definitions
	49-4-203(2), MCA	Definitions

Policy History:

First reading on: 12/8/21

Second reading/Adopted on: 1/12/22

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Records Management

A fireproof vault will be provided for the permanent retention of records, including Board minutes, annual audit reports, employment records of all staff, and permanent student records.

At the beginning of each fiscal year, an application for destruction of records, per state statute, is completed and forwarded to the local government records subcommittee for approval. Upon approval from the local government department, a list of all records having met retention requirements will be presented to the Board for consideration to be destroyed. After receiving approval from the Board, the records are shredded. Records may be destroyed as set forth in § 20-1-212, MCA, and 2-6-401, et seq., MCA.

All records related to the hiring process shall be retained for at least two (2) years. Student records must be permanently kept, and employment records must be kept for ten (10) years after termination.

The District will retain, in a manner consistent with applicable law and the state's *Rules for Disposition of Local Government Records,* such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, "records" are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

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Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Information Security Breach

Information security breaches shall be handled in accordance with 30-14-1704, MCA, Computer Security Breach, including, but not limited to, investigations and notifications.

Cross Reference:	1402	School Board Use of Electronic Mail
	3600, 3600P	Student Records
	5231, 5231P	Personnel Records
	5450	Employee Electronic Mail and On-Line Services Usage
Legal Reference:	Montana Secretary of State (Rules for Disposition of Local Government Records)	
	Federal Rules of Civil Procedure (FRCP)	
	§ 20-1-212, MCA	Destruction of records by school officer
	§ 20-9-215, MCA	Destruction of certain financial records
	24.9.805 (4), ARM	Employment Records
	§ 30-14-1704, MCA	Computer Breach Security

Policy History:
Adopted on: 08/14/1995
Revised on: 08/12/2004
First reading on: 12/8/21
Second reading/Adopted on: 1/12/22

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Naming School District Facilities

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. In selecting a name, the Board will give higher preference to names that have a special significance to the area or to the people who have made a significant contribution to education or to the school or the school system.

The naming of a school or facility shall take place in the following manner:

A. The Superintendent shall select a committee of, whose purpose it shall be to submit to the Board a list of not less than three, nor more than five, names for the new school or facility. The list shall briefly state, along with each name, why the committee nominated each name. The committee may solicit nominations from students and the community.
B. The committee shall, whenever possible, follow these guidelines:
    a. Each name shall be known to, and significant to, the people of the district.
    b. The names submitted shall not conflict with the names of other schools or facilities in the district or surrounding districts.
    c. The use of names of living persons shall be avoided unless the circumstances warrant an exception.
C. Major facilities (non-buildings), such as athletic complexes, are eligible to be named according to the following guidelines:
    a. The name should be easily identifiable with the facility;
    b. The name should not conflict with similar names of other facilities within the district or surrounding school districts; and
    c. In selecting a name of a person, the Board will give higher preference to persons who have made a significant contribution to education within the district.
D. The Board shall make the final selection of the new school or facility from the list. All names submitted may be rejected, at the sole discretion of the Board.
E. In recognition of the efforts of those involved in the project, a plaque containing the following information shall be attached to a new building or facility:
    a. School or facility name;
    b. Board-approved construction date;
    c. Completion or dedication date;
    d. Name of Board members as of the board-approved construction date in the following order:
        i. Chairman
        ii. Vice-Chairman
        iii. Members (alphabetically)
    e. Superintendent as of board-approved construction date; and

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f. Architect and contractor names.

F. Once a building or facility has been named, that name will remain with the building or facility unless terminated or changed by the Board, which may occur at the sole discretion of the Board.

Policy History:
First reading on:11/13/24
Second reading/Adopted on: 12/11/24

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Bigfork School District #38

NONINSTRUCTIONAL OPERATIONS 8560

Display of Flags and Banners on District Property

Definitions

"Flag" means any physical or digital material designed for display on a flagpole, building, wall, vehicle, or other structure.

“District property" means buildings, grounds, vehicles, uniforms, and any other property owned, leased, or controlled by the District.

Display of Flags and Banners

No flag or banner may be displayed in or on District property other than the following flags and banners:

(a) the United States flag;
(b) the official flag of the state of Montana, or any county, municipality, special district, or other political subdivision within the state;
(c) the official flag of a school district, public university, or community college;
(d) the official flag of any state in the United States;
(e) the official flag of any federally recognized tribal nation;
(f) the official flag of any federally recognized foreign nation;
(g) the official flag of any of the branches and units of the United States military;
(h) official historical flags of the United States and the state of Montana, including but not limited to the Betsy Ross flag, Gadsden flag, and other flags of historical significance;
(i) the POW/MIA flag, as provided in § 1-1-541, MCA;
(j) flags or banners representing official school mascots and colors; and
(k) official law enforcement flags, including but not limited to flags honoring law enforcement officers and fallen officers.

No flags or banners may be displayed on District property that represent a political viewpoint, including but not limited to flags or banners regarding a political party, race, sexual orientation, gender, or political ideology. This restriction does not apply to flags recognizing official government entities, law enforcement agencies, military branches, or public service organizations.

Nothing in this policy may be construed to limit the private speech of individuals, and nothing in this policy may be interpreted to restrict expressions of personal belief outside of official government displays.

The restrictions in this policy do not apply to personal clothing, jewelry, or accessories worn by government employees, except where specific uniform policies or official dress codes apply.

Policy History:
First reading on: 8/20/25
Second reading/Adopted on: 9/10/25

Bigfork School District #38

SCHOOL FACILITIES 9000

Goals

The Board recognizes the importance the physical plant plays in enhancing the instructional program. The Board shall develop a program to maintain and/or upgrade the buildings and grounds of the District. Facilities represent a long-term investment of the District. The functional utility of such facilities can be increased with a regular maintenance program monitored by staff.

The Board further recognizes the importance of planning in order to provide the anticipated facility needs of the future. The District will review demographic factors, as changes make such reviews necessary.

Policy History
Adoption Date: Sept. 18, 1997
Revision: July 20, 2004

Site Acquisition; Architect and Engineering Services; Educational Specifications

Site Acquisition

The District will attempt to acquire building sites in advance of the actual construction of facilities, in order to minimize delay in construction projects and to realize financial savings to the District. The Board will periodically review its inventory of land in light of growth trends in the District and make such transactions as it determines shall best meet the future needs of the District.

In acquiring a new site, the Board must first secure the approval of the qualified electors before any contract for the purchase of such site is entered into, except that trustees may take an option on a site prior to the site approval election. The Board may acquire property contiguous to a school site in use without such vote. Site approval also is not necessary if it was specifically mentioned in a fund-raising issue which was subsequently approved by the electorate.

Bonds

The Board may issue or redeem bonds in any manner as provided by law.

Architect and Engineering Services

The Superintendent or designee shall invite architects and/or engineers to express interest in performing such necessary planning services for the District. Advertising shall be designed to reach a wide geographical area to help insure gender and minority applicant consideration.

Interested firms will be requested to submit qualifications and performance data to enable the Board to determine which architectural or engineering firm will best serve the needs of the District. Criteria for selection of a firm shall include, but not be limited to, quality and breadth of staff, design of similar projects, production capability, supervision and quality control, relationship with clients, cost estimates, and budget control.

The Superintendent is directed to establish necessary procedures to solicit and screen qualified engineers and architects. The Superintendent shall recommend one or more firms to the Board for its consideration. The Board and the successful architectural or engineering firm shall enter into a contract for the necessary services. In the event the Board and the selected firm are unable to negotiate a fair and reasonable fee, the trustees may select another firm, provided reasonable public notice of the selection is given.

Educational Specifications

Facilities shall be designed to accommodate the educational and instructional needs of the District. The professional experience and judgment of staff shall be solicited in developing such educational specifications. The law requires that special attention be given to accessibility to the education program by students of both genders and those with disabilities. The Superintendent shall see that all construction projects comply with the requirements for accessibility for individuals with disabilities and comparability between the genders. The architect shall be responsible for ensuring compliance with state and federal laws, including access for individuals with disabilities and requirements for gender comparability.

When the Board considers major remodeling or building a facility, it shall endeavor to seek facility expertise in all affected program areas, as well as comments from faculty, students, and community.

Legal Reference:	§§ 20-9-400, et seq., MCA School Bonds	
	§ 20-6-621, MCA	Selection of school sites – approval election
	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings – when election required
	§ 20-6-631, MCA	When contracts for architectural services required
	§ 20-6-633, MCA	Hiring for architectural services authorized
	§ 18-2-113, MCA	Architects on public buildings to be certified
	§ 18-2-114, MCA	Seal and signature of architect on plans
	10.55.908, ARM	School Facilities

Policy History:
Adopted on: September 18, 1997
Revised on: July 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9230**

Design and Construction

Review and approval of school building plans and specifications shall be in accordance with Montana Code Annotated 20-6-622, 20-6-624, and 20-6-634.

Construction of school buildings shall be in accordance with all applicable statutes, codes, and regulations. The Board and Superintendent shall review and modify as necessary the design, approval, and construction procedure to ensure oversight and efficiency of the construction process.

Legal References:	§ 20-6-622	Review and approval of school building plans and specifications.
	§ 20-6-624	School building plans and specifications approval before payment.
	§ 20-6-634	Tentative and final proposals – public meetings

Policy History:
Adoption date: July 20, 2004

Design and Construction

Each phase of the design of a construction project shall be subject to board approval before continuing to the next design phase. The design phases are:

1. Selection of an architect.

2. Identification of the educational specifications.

3. Preparation of preliminary drawings, using the educational specifications. The line drawings shall illustrate and indicate the following:

    a. Site plan and building location;
    b. General room plans, including definable dimensions;
    c. Elevation drawings; and
    d. Estimated total area of building and site and a cost estimate of the proposed construction or renovation.

    A public meeting shall be held to review the preliminary plans after having given adequate public notice.

4. Submission of design drawings. Cost data sheets are to be submitted along with the design drawings to assure that the cost of the project is within the projected cost. The design plans are to include:

    a. A site plan with specifications regarding building size, location, room for expansion and additions, parking facilities, walkways, playgrounds and other matters relating to the physical dimensions of the proposed new site or renovation.
    b. Floor plans, with specification relating to room sizes, names, capacities, etc.
    c. Exterior elevations plans, including exterior building specifications.
    d. Detailed equipment and furnishings, including a list of materials to be used.
    e. Large scale plans of complex areas.

    A second public meeting shall be held to review final plans after having given reasonable public notice. After design is complete and approved by the board, the following must be compiled:

1. Review of the design plans by the proper authorities for compliance with energy consumption and safety, building, health, fire code, and handicapped access requirements.

2. Preparation of drawings and documents to enable the district to obtain construction bids.

3. Construction (see Policy #9240).

4. Preparation of "as built" drawings for later operation and maintenance purposes.

Legal Reference: 20-6-622, MCA Review and Approval of School Building Plans and Specifications
20-6-634, MCA Tentative and Final Proposals--Public Meetings

Policy History:
Executed: July 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9242**

Contractor Assurance

No contract shall be let to any contractor who is not licensed or registered as required by the laws of this state. Nor shall a contractor be granted a contract unless a statement is submitted and sworn to which states that the contractor is in compliance with the state laws relating to prevailing wage and residence requirements for public works and with state and federal laws relating to non-discrimination in hiring. A statement to this effect must be a part of every appropriate contract.

No contract shall be let to any contractor if the provision conflicts with the provisions of § 20-9-204, MCA.

Contractor Surety Bonds and Insurance

Each contractor's bid must be accompanied by a bid bond or other security authorized by state law in the amount of at least ten percent (10%) of the total bid amount, excluding taxes. Any bid which is not successful shall entitle the bidder to a refund of its security or bond. The successful bidder shall have its bond or security retained until such a time as it is determined that the bidder shall complete the contract. All bids received shall specify whether the District or the contractor shall carry fir, liability, or other insurance during construction.

The successful bidder is required to make, execute and deliver to the Board a good and sufficient performance bond with two (2) or more sureties or a surety company which shall state that the contractor shall execute and faithfully perform the provisions of the contract and shall pay all subcontractors and materialmen as required by law.

Legal Reference:	§ 2-2-303, MCA	Agreements to appoint relative to office unlawful
	§ 16-2-402, MCA	Standard prevailing rate of wages
	§ 16-2-403, MCA	Preference of Montana labor in public works – wages – tax-exempt project – federal exception
	§ 16-2-404, MCA	Approval of public works contract – bong
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
	§ 18-1-201, MCA	Requirements for bidder's security
	§ 18-1-202, MCA	Advertisement for bid to specify required security
	§ 18-1-203, MCA	Form of security

Policy History
Adoption Date: July 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9261**

Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

Receipts from the sale of real property shall be placed into the debt service fund, building fund, general fund, or any combination of these three (3) funds at the discretion of the trustees.

Legal Reference:	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings – when election required
	§ 20-6-604, MCA	Sale of property when resolution passed after hearing – appeal procedure

Policy History
Adoption Date: July 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9300**

Operation and Maintenance of District Facilities

Facilities are to be maintained and operated in a safe, healthful condition and to preserve the district's investment. The Supervisor(s) of Maintenance in cooperation with the principals, the Safety Committee, fire chief, and county sanitarian shall periodically inspect plant and facilities. He/she shall provide for a program to maintain the district physical plant by way of a continuous program of repair, maintenance and reconditioning. Budget recommendations shall be made each year to meet these needs and any such needs arising from an emergency.

The Supervisor(s) of Maintenance, shall formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve the resources of the district in their buildings.

Legal Reference: 10.55.503, ARM School Plant and Facilities
10.55.504, ARM Maintenance

Adoption Date: September 18, 1997
Review Date: July 20, 2004

Bigfork School District

SCHOOL FACILITIES 9311

Safety Program

The Board acknowledges the importance of safety for students, staff, and others having business with the District. Safety education, accident prevention, and proper supervision are important as protective measures and also OSHA means to promote a culture of safety awareness.

The Board directs the formation of a District Safety Committee comprised of employer and employee representatives, as outlined in the Montana Safety Culture Act.

The Board directs the development of an Exposure Control Plan for employees, to eliminate or minimize work-related exposure to bloodborne pathogens, particularly Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV).

The District will participate in the prosecution of any individual(s) who may disturb any school or school meetings, insult or abuse any school employee or student during the course of the school/work day, or otherwise violate the laws of the State of Montana regarding school disturbance or individual protection for school employees or students.

It shall be the Superintendent's responsibility to execute this program. The Superintendent may delegate this responsibility to other staff members.

Legal Reference:	§§ 39-71-1501, et seq., MCA	Montana Safety Culture Act
	§§ 20-1-206, et seq., MCA	Disturbance of school – penalty
	29 CFR 1910.1030	The Bloodborne Pathogens Standard

Policy History:
Adopted on: July 20, 2004
Revised on

Bigfork School District #38

SCHOOL FACILITIES **9311P**

Safety Program

The general responsibilities for the Safety Program rest with the Safety Committee. Specific Responsibility rests with the building principals and the maintenance supervisor(s).

Responsibilities

Principals

Each principal has the primary responsibility to identify safety hazards which may occur between periodic safety inspections, to supervise the instructional staff to assure that safety education is conducted as a part of the educational program, and to assure the proper supervision of students within their buildings. More specifically:

1. Student supervision shall start one half hour before school begins and end when the last bus has left in the afternoon.
2. Supervision is to be provided at noon, morning and afternoon recesses and during lunch periods. The principal may use aides or certified staff.
3. Annually, campus and playground safety rules should be communicated to the staff, the students and the parents.
4. Principals are responsible to see that accident reports on the appropriate forms are submitted to the Superintendent.
5. The principal shall work closely with the physical education staff, shop staff, and other area staff members whose curriculum exposes an unusual risk to students, to assure that with the introduction of any new activity or equipment, safety procedures are outlined prior to use.

Supervisor of Maintenance and Operations

The Supervisor(s) of Maintenance and Operations has the responsibility for the maintenance of a safe educational environment including both facilities and grounds. More specifically, the Supervisor of Maintenance and Operations shall:

1. Conduct regular inspections of all facilities and grounds for potential safety hazards.

2. Provide instruction to the operations staff as it relates to safe working procedures and the identification of unsafe areas.

3. Provide direct instruction to operations personnel as it relates to their specific assignments relating to the safe operation of the system.

4. Review and approve the selection and location of new playground equipment prior to its purchase and installation.

Procedure History:
Executed: July 20, 2004

Bigfork School District

SCHOOL FACILITIES 9320

Security

Security means not only maintenance of buildings, but also protection from fire hazards and faulty equipment, and safe practices in the use of electrical, plumbing, and heating equipment. The Board requires close cooperation with local police, fire, and sheriff's departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours shall be limited to staff whose work requires access. An adequate key control system shall be established, which shall limit access to buildings to authorized staff and shall safeguard against the potential entry of unauthorized persons.

Records and funds shall be kept in a safe place and under lock and key when required.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of watchmen may be approved in situations where special risks are involved. All incidents of vandalism and burglary shall be reported to the Superintendent immediately and to law enforcement agencies as appropriate.

Legal Reference:	§ 50-61-114, MCA	Fire chief and fire inspector to make Inspections.

Policy History:
Adopted on: July 20, 2004
Revised on:

Bigfork School District #38

SCHOOL FACILITIES **9321**

Care of School Property

Staff shall insure that buildings, equipment and furniture are not abused. Students or nonstudents who damage school property may be disciplined. Parents of such students shall be liable for the damage incurred upon the complaint of staff or any trustee and the proof of such damage.

The Superintendent shall establish procedures for the investigation and reporting of damage or loss and shall initiate action to collect for damages.

Staff members assigned equipment for the performance of their duties are responsible for the care, safe operation, and security of the equipment. All equipment transfers or shard use must be approved by the building principal. District equipment is not available for loan to community members in organizations unless approved by the Superintendent.

Legal Reference: 20-5-201, MCA Duties and Sanctions

Adoption Date: September 18, 1997
Revision Date: July 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9321P**

Care of School Property

The following steps shall be taken upon evidence that school property has been damaged or lost, whether or not the action was willful:

1. Damage to school property shall be reported to the school principal.
2. A memo shall be submitted to the Superintendent. In the event of a break-in, whether damage is noted or not, the principal shall report the occurrence to a law enforcement agency. Care shall be taken to avoid damaging prints or any other evidence that may be associated with the break-in.
3. An investigation to establish the individuals responsible for acts of vandalism or theft shall be initiated (Sheriff called.).
4. Repair or replacement costs for damage shall be estimated by the maintenance department with a report submitted to the principal and the Superintendent.
5. Parents shall be informed by the principal, in writing, regarding the nature of the damages, how restitution may be made, and how appeal may be initiated.
6. The district office, upon receipt of the damage or loss memo shall bill the student's parent for the repair or replacement costs.
7. The district's property insurer shall be notified by the district office as soon as possible.
8. Copies of the parent notification along with estimate of damages shall be sent to the Superintendent.
9. The Superintendent will review any appeal made by the student and/or parent.
10. The student and/or parent shall be advised that they may appeal the decision of the Superintendent at the next regular meeting of the Board of Trustees (see policy #3520)
11. The Superintendent shall take whatever steps are necessary within the limits of the law to collect for damages.

Executed Date: December 7, 1996
Review Date: January 20, 2004

Bigfork School District #38

SCHOOL FACILITIES **9330**

Facilities Operations

The operation of the district's facilities shall be the responsibility of the Superintendent. The superintendent shall manage facilities operations through the maintenance supervisor(s) and the head custodian (when appropriate).

Maintenance and custodial personnel will be employed by the district to operate the district's facilities. This responsibility shall include, but not necessarily be limited to the following:

1. Adequate and timely operation of each facility's heating system.

2. Proper care of the district's physical properties including walls, floors, roofs, ceilings and equipment in those facilities.

3. Adequate care of and timely lamp replacement in each facility's lighting system.

4. Proper care of each facility's grounds and playgrounds.

Because of the nature of facility operations, this service shall be provided not only during the normal scheduled working day and working year, but shall also occur during those times when the building is occupied outside of regular hours.

Adoption Date: September 18, 1997
Revision Date: July 20, 2004

Bigfork School District

SCHOOL FACILITIES 9350

District-Wide Asbestos Program

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

The Board authorizes the Superintendent to appoint a designated individual to implement the requirements of the AHERA, including training, notification, and facility modification.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:
Adopted on: July 20, 2004
Revised on:

As of policy adoption date, the Superintendent appoints the Director of Maintenance Operations as the designated person as required by 40 CFR Part 763.80