Hardin Public Schools

POLICY MANUAL

Home of the Bulldogs

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

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Hardin Public Schools

THE BOARD OF TRUSTEES

Legal Status and Operation

The Board of Trustees of Hardin Public Schools, District # 17-H and 1, is the governmental entity established by the state of Montana to plan and direct all aspects of the District’s operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

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

Legal Reference:

§ 20-3-323, MCA  District policy and record of acts
§ 20-3-324, MCA  Powers and duties

Policy History:

Adopted on:
Reviewed on:
Revised on:  August 28, 2007
THE BOARD OF TRUSTEES

Organization

The legal name of this District is Hardin Public Schools, District No. 17-H and 1, Big Horn County, State of Montana. The District is classified as a class one (1) district and is operated according to the laws and regulations pertaining to a class one (1) district.

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

Legal References:

- § 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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
The District is governed by a Board of Trustees consisting of six (6) members. The powers and
duties of the Board include the broad authority to adopt and enforce all policies necessary for the
management, operations and governance of the District. Except as otherwise provided by law,
trustees shall hold office for terms of three (3) years, or until their successors are elected and
qualified. Terms of trustees shall be staggered as provided by law.

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

Legal References:

§ 20-3-301, MCA  Election and term of office
§ 20-3-302, MCA  Legislative intent to elect less than majority of
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§ 20-3-305, MCA  Candidate qualification and nomination
§ 20-3-306, MCA  Conduct of election
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§ 20-3-341, MCA  Number of trustee positions in elementary districts
  – transition
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§ 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:  August 28, 2007
Reviewed on:
Revised on:  4/8/14
A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability.

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

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

Cross Reference: Policy 1113 Vacancies

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

Policy History:
Adopted on:
Reviewed on:
Election

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

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

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

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

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

Legal Reference:

§ 13-10-211, MCA Declaration of intent for write-in candidates
§ 20-3-304, MCA Annual election
§ 20-3-305, MCA Candidate qualification, nomination and withdrawal
§ 20-3-313, MCA Election by acclamation – notice
§ 20-3-322, MCA Meetings and quorum
§ 20-3-322(5), MCA Meetings and quorum (unforeseen emergency definition)
§ 20-3-324(4), MCA Powers and duties
§ 20-3-344, MCA Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA Additional financing for general fund – election for authorization to impose
§ 20-20-105, MCA Regular school election day and special school elections
§ 20-20-204, MCA Election Notice
§ 20-20-301, MCA Qualifications of elector

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

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

Legal Reference:

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

Policy History:

Adopted on:

Reviewed on:

Revised on: August 28, 2007, 4/8/14
Vacancies

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

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

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

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

Cross Reference: 1240 Duties of Individual Trustees
1112 Resignations

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
THE BOARD OF TRUSTEES

Annual Organization Meeting

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

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

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

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

Policy History:
Adopted on:
Reviewed on:
The Board of Trustees

Committees

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

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

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


Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
THE BOARD OF TRUSTEES

Qualifications, Terms, and Duties of Board Officers

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

Chairperson

The 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 action of the Board;
- Close Board meetings as authorized by Montana law; and
- Act as spokesperson for the Board.

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

Vice Chairperson

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

Cross Reference: Policy 1120 Annual Organizational Meeting

Legal References: § 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
§ 20-3-321(2), MCA Organization and officers
§ 20-3-351(1)(a), MCA Number of trustee positions in high school districts
§ 20-3-352(2), MCA Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:
Adopted on: Reviewed on:
The Business Manager/Clerk of the Board or the Assistant Business Manager/Clerk shall attend all meetings of the Board, unless excused by the Chairperson, and shall keep an accurate permanent record of all proceedings. The Business Manager/Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Business Manager/Clerk to attend a Board meeting, the trustees will have one (1) of their members or a District employee act as clerk for the meeting, and said person will supply the Business Manager/Clerk with a certified copy of the proceedings.

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

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

The Business Manager/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 Business Manager/Clerk shall perform all functions pertaining to the preparation of school elections. The Business Manager/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(2), MCA Trustees’ election duties – ballot certification

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
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(21), MCA Powers and duties
§ 20-3-332, MCA Personal immunity and liability of trustees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
THE BOARD OF TRUSTEES

District Policy and Procedures
Adoption and Amendment of Policies

Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the 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: § 20-3-323, MCA District policy and record of acts 10.55.701, ARM Board of Trustees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14, 01/14/15
Authorization of Signatures

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

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

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

- Superintendent
- Business Manager/Clerk
- Assistant Business Manager/Clerk
- Purchasing

Checks: The high school principal is designated as the custodian of each school building extracurricular fund account. The Business Manager/Clerk is designated as the custodian of all District petty cash accounts. Staff employed by the District in the following designated positions are authorized to sign, on behalf of the Board, checks drawn on any specific petty cash account:

- Superintendent
- Business Manager/Clerk
- Assistant Business Manager/Clerk

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 for amounts under Twenty-Five Thousand Dollars ($25,000) without prior approval of the Board. The types of goods and services contracted for must be pre-approved by the Board.

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

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

THE BOARD OF TRUSTEES

Board Meetings

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

Regular Meetings

Unless otherwise specified, all meetings will take place in the Administrative Office. Regular meetings shall take place at 5:30 p.m. on the second (2nd) and fourth (4th) Tuesday 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 school district for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the school district’s boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

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

Budget Meetings

Between July 1 and August 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 in the Big Horn County News.

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.

Special Meetings

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

**Closed Sessions**

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

**Legal References:**

<table>
<thead>
<tr>
<th>Code</th>
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<tr>
<td>§ 2-3-103, MCA</td>
<td>Public participation – governor to ensure guidelines adopted</td>
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<td>10.55.701, ARM</td>
<td>Board of Trustees</td>
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</table>

**Policy History:**

Adopted on: 
Reviewed on: 
Hardin Public Schools

THE BOARD OF TRUSTEES

Records Available to Public

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

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

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

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

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

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

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

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

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

Policy History:
Adopted on: August 28, 2007
Reviewed on: February 23, 2010, 6/12/2018
Use of electronic mail (e-mail) by members of the Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

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

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

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

Cross Reference: 1400 Board Meetings
1401 Records Available to Public

Legal Reference: § 2-3-103, MCA Public participation – governor to insure guidelines adopted
§ 2-3-201, MCA Legislative intent – liberal construction
§ 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
§ 20-3-322, MCA Meeting and quorum

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
THE BOARD OF TRUSTEES  

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.

The agenda for any Board meeting shall be prepared by the Superintendent in consultation with the Board Chair. The Board Chairperson must approve any items submitted by Board members or members of the public, to be placed on the agenda. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent at least ten (10) days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board agenda must also notify the Superintendent, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate that the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures will follow the public comment procedures in district policy. Or items on the agenda need not request placement on the agenda, and may ask for recognition by the Chairperson at the appropriate time.

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

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

Minutes

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.

When issues are discussed that may require a detailed record, the Board may direct the Clerk to record the discussion verbatim. When issues are discussed that may require detailed record, the Board may direct the Clerk to record the discussion verbatim. Such verbatim records shall be maintained on file for a period of five (5) years. Any verbatim record may be destroyed after the minutes have been approved, pursuant to § 20-1-212, MCA.

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

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

Quorum

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

Electronic Participation

The Board may allow members to participate in meetings by telephone or other electronic means. Board members may not simply vote electronically but must be connected with the meeting throughout the discussion of business. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.
If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

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

The Superintendent will take measures to verify the identity of any remotely located participants.

Meeting Conduct and Order of Business

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

Rescind a Motion

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

Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines adopted
§ 2-3-202, MCA Meeting defined
§ 2-3-212, MCA Minutes of meetings – public inspection
§ 20-1-212, MCA Destruction of records by school officer
§ 20-3-322, MCA Meetings and quorum
§ 20-3-323, MCA District policy and record of acts

Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005

Policy History:
Adopted on:
Reviewed on:
THE BOARD OF TRUSTEES

Abstentions From Voting

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

1. When hiring the relative of a trustee;
2. When casting a vote would directly and substantially affect, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or in which the trustee is engaged as counsel, consultant, representative, or agent;
3. When casting a vote would directly and substantially affect a business or other undertaking to its economic detriment, where a trustee has a substantial personal interest in a competing firm or undertaking;
4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or indirectly, in a contract made by the trustee (while acting in the trustee’s official capacity) or by the Board; and
5. When casting a vote would put the trustee in the position of an agent or solicitor in the sale or supply of goods or services to the District.

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

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
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 comment to ensure an orderly progression of the meeting.

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

Cross Reference: 1420 School Board Meeting Procedure

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
THE BOARD OF TRUSTEES

Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on: August 28, 2007
**Conflict of Interest**

A trustee may not:

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

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

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

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

5. Be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

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

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

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

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

Degrees of Affinity

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

Degrees of Consanguinity

![Diagram of Degrees of Consanguinity]

Appointing Power

![Diagram of Appointing Power]
Degrees of Affinity

Great Grandfather-in-law

Grandfather-in-law

Father-in-law

Uncle-in-law

Spouse of

Appointing

Power

Step Child

Nephew-in-law

Step Grandchild

Step Great Grandchild

Policy History:

Adopted on:

Reviewed on: August 28, 2007, June 9, 2009
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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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 procedure shall not deny any staff member the 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 Board concerns and actions.

Visits to Schools

Each trustee shall visit every school of the District at least once each school fiscal year to examine its condition and needs. As a courtesy, individual Board members interested in visiting schools should 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 schools and education. When they meet at social affairs and other functions, informal discussion about such matters as educational trends, issues, and innovations and general District problems can be anticipated. Discussions of personalities or staff grievances are not appropriate.

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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:
Reviewed on:
Revised on: August 28, 2007
Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

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

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

Cross Reference: 7336 Travel Allowances and Expenses

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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.

An additional trustee, as provided for in 20-3-352(2), who is chosen as a nonvoting chairperson of the board of an elementary district is entitled to all of the immunization, defenses, and indemnifications as described in 20-3-322, MCA.

Legal References:

- § 20-3-331, MCA Purchase of insurance – self-insurance plan
- § 20-3-332, MCA Personal immunity and liability of trustees
- § 20-3-352(2), MCA Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007, July 12, 2011
Annual Goals and Objectives

Each year, between the dates of January 1 and March 30, the Board will formulate or review the annual objectives for the District and will have available a written comprehensive philosophy of education with goals that reflect the District’s philosophy of education. The philosophy of education and goals shall be in writing and shall be available to all.

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on:
Reviewed on:
THE BOARD OF TRUSTEES

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.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

BOARD OF TRUSTEES

Internships

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

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

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

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

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

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

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: 4/8/14
THE BOARD OF TRUSTEES

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 involving challenges to educational material and those governed by a collective bargaining agreement.

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

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

The Superintendent has the authority to contract with an independent investigator at any time during the complaint procedure process. Within fifteen (15) calendar days of the Superintendent’s receipt of the independent investigator’s report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary.

Level 1: Informal

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

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident.
When a complaint alleges violation of Board policy or procedure, the building administrator will investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within thirty (30) calendar days of the administrator’s receipt of the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the administrator’s decision, either may request, in writing, that the Superintendent review the 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 the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the complaint over to a District nondiscrimination coordinator. The coordinator will complete an investigation and file a report and recommendation with the Superintendent. A coordinator may hire, with the approval of the Superintendent, an independent investigator to conduct the investigation. Within fifteen (15) calendar days of the Superintendent’s receipt of the coordinator’s or independent investigators report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary. If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent’s decision, either 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 3: Superintendent**

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

Level 5: County Superintendent

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

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

Policy History:
Adoption on: August 28, 2007 Reviewed on: April 14, 2009
HARDIN PUBLIC SCHOOLS

2000 SERIES
INSTRUCTION

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INSTRUCTION

Goals

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

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

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

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

Legal Reference 10.55.701, ARM Board of Trustees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

School Year Calendar and Day

School Calendar

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

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

School Fiscal Year

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

In addition, seven (7) pupil instruction-related days may be scheduled for the following purposes:
1. Pre-school staff orientation for the purpose of organization of the school year;
2. Staff professional development programs (minimum of three (3) days);
3. Parent/teacher conferences, and;
4. Post-school record and report (not to exceed one day or one-half day at the end of each semester or quarter).
The Board of Trustees has established an advisory committee to develop, recommend, and evaluate the school district’s yearly professional development plan. Each year the Board of Trustees shall adopt a professional development plan for the subsequent school year based on the recommendation of the advisory committee.

Legal References:
- § 20-1-301, MCA School fiscal year
- § 20-1-302, MCA School day and week
- § 20-1-303, MCA Conduct of School on Saturday or Sunday prohibited - exceptions
- § 20-1-304, MCA Pupil-instruction-related day
- § 20-1-306, MCA Commemorative exercises on certain days
- 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:
- Adopted on:
- Reviewed on:
Grades Organization

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

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

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

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

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Objectives

Continuous Progress Education

The Board acknowledges its responsibility to develop and implement a curriculum designed to provide for sequential intellectual and skill development necessary for students to progress on a continuous basis from elementary through secondary school.

The Superintendent is directed to develop instructional programs which will enable each student to learn at the student’s best rate. The instructional program will strive to provide for:

1. Placement of a student at the student’s functional level;

2. Learning materials and methods of instruction considered to be most appropriate to the student’s learning style; and

3. Evaluation to determine if the desired student outcomes have been achieved.

Each year, the Superintendent will determine the degree to which such instructional programs are being developed and implemented. Accomplishment reports submitted annually will provide the Board with the necessary information to make future program improvement decisions.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
INSTRUCTION

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 students no longer in attendance.

Cross Reference: 2000 Goals
2110 Objectives

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
INSTRUCTION

Program Evaluation and Diagnostic Tests

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

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

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

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

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

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

Policy History:

Adopted on:  
Reviewed on:

Revised on: August 28, 2007
Student and Family Privacy Rights

Surveys - General

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

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

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

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

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

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

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

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

Collection of Personal Information from Students for Marketing Prohibited

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

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

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

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

Notification of Rights and Procedures

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

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

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

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

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

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

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

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

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
INSTRUCTION

Guidance and Counseling

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

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

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

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

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

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

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

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

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

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

9. Have information available about nicotine addiction services and referrals to tobacco cessation programs to students and staff.

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

The Board directs the Superintendent to work with the staff, community, and appropriate agencies to develop, implement, and regularly assess 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

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007, February 23, 2010
Extracurricular Program

The Board recognizes that the goals and objectives of the District can best be achieved by providing a broad offering of purposeful learning experiences, some of which are more appropriately conducted outside of the approved curriculum of the District. For purposes of this policy, this program, defined as “extracurricular,” includes those activities which are planned and integrated toward the attainment of the District’s objectives but are not offered for credit toward graduation. Such activities shall ordinarily be conducted wholly or partly outside the regular school day and shall be available to all students who voluntarily elect to participate. The extracurricular program may include approved curriculum-related activities; intramural; and activities including interscholastic activities, publications, music, drama, school service, and other Board-approved activities.

The Board shall approve all activities included within the extracurricular program. The principal is authorized to approve other extracurricular activities, make school facilities available, and designate staff members to support and supervise approved extracurricular activities.

The criteria to be used for approving extracurricular activities are:

1. The purpose and/or objectives shall be an extension of a special program or course offering;
2. The participating students should be currently enrolled in a related course or program or possess the entry level knowledge and/or skills to successfully participate in the activity;
3. The group supervisor shall be a qualified adult recommended by the building administrator;
4. The cost of the activity must not be prohibitive to the student or the District;
5. All activities must take place on school premises unless approved in advance by the school principal;
6. The activity must not be secretive in nature; and
7. All funds collected as a result of the extracurricular program shall be deposited and expended in accordance with approved District accounting procedures.

The Board directs the Superintendent to develop appropriate procedures for proper planning, funding, approval, and implementation of all activity programs within the above guidelines.

The principal shall be responsible for administering the extracurricular program in the school
An opportunity will be made available in each school for students, including those with handicapping conditions, to participate in some aspect of the program.

The District shall evaluate its extracurricular programs at least once each year to ensure that equal opportunities are available to members of both sexes with respect to participation in interscholastic and/or intramural programs.

Legal Reference: P.L. 98-377, Title XIII Equal Access Act

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

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 will include all activities relating to competitive sport or intellectual contests, games or events, or exhibitions involving individual students or teams of students of this District, when such events occur between schools outside this District.

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

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

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

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

The Superintendent shall annually prepare, approve, and present to the Board for its consideration a program of interscholastic athletics for the school year. The Superintendent shall prepare rules for the conduct of student athletes, including but not limited to use of alcoholic beverages, use of tobacco, use or possession of drugs, narcotics, or hallucinatory agents not prescribed by a physician, physical appearance, curfew, unsportsmanlike conduct, absence from practice, or gambling. Rules and corrective actions related to rule violations shall be distributed to each participant and his/her parents prior to the beginning of an athletic season.

Cross Reference: 3416 Administering Medicines to Students

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Suicide Awareness and Prevention

The Administration shall develop and implement a youth suicide prevention program meeting minimum requirements set forth in 10.55.719, ARM.

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 least two (2) hours of youth suicide and prevention training beginning the 2017-18 school year. The District will provide, at a minimum, two (2) hours of youth suicide awareness and prevention training every five (5) years thereafter. All new employees who work directly with any student enrolled in the school district will be provided training the first year of employment.

Youth suicide and prevention training may include:

A. In-person attendance at a live training;
B. Videoconference;
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.

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.

Legal Reference: § 20-7-1310, MCA Youth suicide awareness and prevention training
Family Engagement Policy

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

Parent/Family Involvement Goals and Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal Reference: 10.55.701(m), ARM Board of Trustees

Policy History:
Adopted on: 4/8/14
Reviewed on:
Revised on:
Title I Parent Involvement

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

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

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

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

1. Information about programs provided under Title I;

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

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

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

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

The parents of children identified to participate in Title I programs shall receive from the 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 to meet with the classroom and Title I teachers to discuss their child’s progress. Parents will also receive guidance as to how they can assist at home in the education of their children.
Each school in the District receiving Title I funds shall develop jointly with parents of children served in the program a “School-Parent Compact” outlining the manner in which parents, school staff, and students share the responsibility for improved student academic achievement in meeting state standards. The “School-Parent Compact” shall:

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

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

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

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.


Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Special Education

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

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

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

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

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

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


Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
INSTRUCTION

Traffic Education

Hardin Public Schools will provide a drivers’ training instruction program for students who live within the geographic boundaries of the public school district whether or not they are enrolled in the public school district and provided that students enrolled in the course will have reached their 15th birthday within six months of course completion, and has not yet reached 19 years of age on or before September 10 of the school year in which the student participates in traffic education. Students are scheduled by age, with the oldest student having first priority. Students from other districts may enroll at the discretion of the high school principal if a district student is not displaced.

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

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

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

Policy History:
Adopted on:
Reviewed on:
Revised on:  August 28, 2007, June 24, 2008
Distance, Online, and Technology Delivered Learning

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

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

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

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

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

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

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

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

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

1. Prior permission has been granted by the principal;

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

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

Cross Reference: 2410 and 2410P High School Graduation Requirements

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

Policy History:
Adopted on: December 11, 2007
Reviewed on:
Revised on:
Digital Academy Classes

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

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

Further, the online learning solutions providers ensure that:

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

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

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

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

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

Policy History:
Adopted on: September 14, 2010
Reviewed on:
Revised on:
Significant Writing Program

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

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

Policy History:
Adopted on: 4/8/14
Reviewed on:
Revised on:
INSTRUCTION

School Closure

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

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

Cross Reference: 8110 Bus Routes and Schedules

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Community and Adult Education

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

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

Policy History:
Adopted on:  
Reviewed on:  
Revised on:  August 28, 2007
INSTRUCTION

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:

Adopted on: August 28, 2007

Reviewed on:

Revised on:
INSTRUCTION

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 expressed in the School Library Bill of Rights, endorsed by the American Association of School Librarians in 1969.

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

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

(NOTE: BY STATUTE, THE SUPERINTENDENT HAS AUTHORITY AND IS RESPONSIBLE FOR SELECTION OF LIBRARY MATERIALS, SUBJECT TO BOARD APPROVAL. THE SUPERINTENDENT AND BOARD MAY NOT WANT TO DELEGATE THIS RESPONSIBILITY.)

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Instructional Materials

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

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

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

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

Cross Reference: 2314 Learning Materials Review

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

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or use of audio, visual, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

Under the fair use doctrine, 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.


Policy History:
Adopted on:
Reviewed on:
Learning Materials Review

Citizens objecting to specific materials used in the District are encouraged to submit a complaint in writing 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.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Field Trips, Excursions, and Outdoor Education

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

Field trips may be taken for one (1) day, if they are within reasonable traveling distance of the District. The Superintendent has the authority to approve all other field trips.

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

Specific procedures for field trips, excursions, and outdoor education can be found in staff, student, and activity handbooks.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Controversial Issues and Academic Freedom

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

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

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

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

1. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals, and values;
4. Necessity for a balanced presentation; and
5. Necessity to seek 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:
Reviewed on:
Revised on: August 28, 2007
Religion and Religious Activities

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

Student Prayer and Discussion

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

Staff Members

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

Graduation Ceremonies

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

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

Assemblies, Extracurricular and Athletic Events

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

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

Religion in the Curriculum

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

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

Student Religious Clubs

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

Distribution of Religious Literature

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

Religious Holidays

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

Policy History:

Adopted on:
Reviewed on:  
Participation in Commencement Exercises

Statement of Policy

A student’s right to participate in a commencement exercise of the graduating class at Hardin 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:
Adopted on: August 28, 2007
Reviewed on:
Revised on: 1/13/09, 09/25/2012, 6/27/17
Health Enhancement

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

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

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

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

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

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

1. Freshman ----- Anyone with fewer than 4 credits
2. Sophomore --- Must have a minimum of 4 credits
3. Junior- -------- Must have a minimum of 8 credits
4. Senior -------- Must have a minimum of 13 ½ credits

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
INSTRUCTION

High School Graduation Requirements

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

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

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

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

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

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, January 13, 2009
INSTRUCTION

Credit Transfer and Assessment for Placement

Grades 6-8 (Middle School), Grades 9-12 (High School)

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 School District 17-H and

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

The school 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 a grade of pass/fail.

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

Grades K-6

Requests from parents of students in non-accredited, nonpublic schools for placement in the District’s school system will be evaluated by a 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.

The 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 placement team will take into account the following in its recommendation for grade placement:

An affidavit that:

1. 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. The child followed a similar curriculum as would have been provided in an accredited public or private school;
3. The result of the end-of-the-year test indicates that the student has mastered most prerequisite skills; and

4. The child achieved an NCE score of fifty (50) or above on the Standard Achievement Test.

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

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

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

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

Policy History:
Adopted on: October 24, 1995
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Grading and Progress Reports

The Board believes cooperation of school and home is a vital ingredient in the growth and education of students and recognizes its 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 a basis for continuous evaluation of student performance and for determining changes that should be made to effect improvement. These reports will be designed to provide information helpful to the students, teachers, counselors, and parents.

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Promotion and Retention

The Board acknowledges that the awarding of marks and decisions relative to promotion or retention of children is a serious responsibility of teachers. It is the Board’s policy to support its teachers and administrators in this professional duty. The Board feels that the administrators can be depended upon to evaluate teacher recommendations and to make all such decisions in the best interest of children. However, the Board considers it very important, for good relations, that parents be consulted and well informed at an early date where retention is advisable, or grade placement of an individual child varies from an established grade level.

Whenever retention is being considered, but no later than the end of the third (3rd) quarter, the teacher will confer with the principal regarding the students who should be considered for retention. Parents/guardians shall be invited to meet with the principal and teacher. Information will be presented to explain the student’s progress to date. Parents will be advised on how they might assist the student during the balance of the school year.

At least two (2) weeks prior to the end of the school year, the parent, principal, and teacher will again meet to review the latest progress and determine if the student’s needs would be best served by promotion or retention. Teaching staff and building principals will make final decisions respecting promotion or retention.

If the parent wishes the student be promoted without regard to the school’s recommendation, the parent(s) will be asked to complete a form reflecting the parent’s decision.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
INSTRUCTION

Recognition of Native American Cultural Heritage

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

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

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

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

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

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

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

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

10.55.603 ARM Curriculum Development and Assessment

10.55.701 ARM Board of Trustees

10.55.803 ARM Learner Access

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
School Wellness

The Hardin School District 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 Hardin 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 3 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 included:

**Nutrition Education**

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 and National Association of Sport and Physical Activity/American Alliance of Health, Physical Education, Recreation and Dance Physical Education Content Standards and Benchmarks*. Nutrition education shall be
integrated into the curriculum. Nutrition information and education shall be offered 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.

**Health Enhancement and Physical Activity Opportunities**

The District shall offer health enhancement opportunities that include the components of a quality health enhancement program taught by a K-12 certified health enhancement specialist.

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 life style.

Hardin School Districts 17-H & 1 have chosen to establish school environments that support healthy eating habits and physical activity. These guidelines service as a foundation for developing, implementing and evaluating school-based healthy eating and physical activity policies and practices for students:

- To establish a climate that encourages and does not stigmatize or denounce healthy eating and physical activity.
- Whenever possible, to prevent using food as an academic or behavioral incentive and to discourage assigning or withholding physical activity as a punishment. Alternatives to withholding recess and rewarding children with food will be distributed to school staff.
- To use a systematic team-based approach to develop, implement and monitor healthy eating habits and physical activity policies.

**Nutrition Standards / Smart Snack Rule**

The District shall ensure that reimbursable school meals meet the program requirements and nutrition standards found in federal regulations. The District shall encourage students to make nutritious food choices through accessibility and marketing efforts of healthful foods.

- In accordance with the USDA School Nutrition Guidelines the school cafeteria is the one place in the entire school that is set aside for students to relax and eat their meals. The District goal is to provide a clean, safe, enjoyable meal environment for students. Students may choose three of five food groups, at a minimum, one of which must be a fruit or vegetable, and are not forced to finish a meal. School Nutrition staff will participate in making decisions and guidelines that will affect the school nutrition environment.
- Hardin School District began implementing the Smart Snacks Rule in July 2014. All school administrators, school nutrition and individuals involved in fund raising receive yearly reminders/trainings about the Smart Snack Rule. To ensure the integrity of the school lunch program, food and beverage sales in competition with the breakfast/lunch programs are prohibited during the period from the midnight before, to 30 minutes after the end of the official school day. Marketing of foods that do not meet the criteria is not allowed on the school campuses.
- The USDA Smart Snack Rule does not apply to concessions or classroom events such as
birthdays or holiday parties, although the school may consider this area an opportunity for
positive change. Teachers who wish to host in-class parties are encouraged to contact the School
Nutrition to arrange for healthy meal or snack options.

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.

PL 111-296 The Healthy, Hunger-Free Kids Act of 2010
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Hardin Public Schools

STUDENTS

Goals

Each student has the right to a free public education. The District provides the best learning opportunities possible within the resources available. In addition to a full instructional program, those opportunities include a wide range of student activities to stimulate the athletic, artistic, and creative skills of students.

In exchange for these opportunities, both students and their parents assume substantial responsibilities. In order to preserve an orderly and safe learning environment, students must abide by the reasonable rules and instruction of staff. Corrective action shall be fairly and moderately meted out, primarily to modify behavior rather than to punish students. Parents are encouraged to inquire about the successes and problems of their children and to reinforce their learning at home by showing an active interest in students’ development.

Parents and educators are partners in their children’s education. To that end both must strive to provide for the physical and mental well-being of all students.

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

STUDENTS

Entrance, Placement, and Transfer

Entrance, Date, and Age

The trustees will enroll a child in kindergarten or in first grade whose fifth (5th) or sixth (6th) birthday occurs on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the District. A child who meets the requirement of being six (6) years old, but who has not completed a kindergarten program, will be tested and placed at the discretion of the administration. 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 6 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.

School Entrance

1. The District requires that a student’s parents, legal guardian, or legal custodian present proof of identity of the child 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.

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.

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.

1 For the purposes of this section “proof of identity” means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity. 44-2-511(6)(a), MCA
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-5, 6-8): 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.

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 Standard, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Superintendent or the Board.

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

Policy History:
Adopted on:
Reviewed on:
Compulsory Attendance

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

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

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

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.

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:
Reviewed on:
Revised on: August 28, 2007, 02/14/2012
STUDENTS

Enrollment and Attendance Records

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

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

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Unable to attend school due to the student’s incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Living with a caretaker relative under § 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 § 20-9-706, MCA;
- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- Enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district, or;
- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under § 20-9-707, MCA.
• A resident of the District attending a Montana youth challenge program under an interlocal agreement with the district under §20-9-2-707, MCA.

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

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.

Legal Reference: § 1-1-215, MCA Residence – rules for determining
§ 20-9-706, MCA Running start program – authorizing class credits at postsecondary institution – eligibility – payment for credits
§ 20-9-707, MCA Agreement with Montana youth challenge program or accredited Montana job corps program
29 U.S.C. 794 Nondiscrimination under Federal grants and programs
34 CFR 300.1, et seq. Individuals with Disabilities Education Act

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, June 9, 2009, 6/27/17
To reach the goal of maximum educational benefits for each child requires a regular continuity of instruction, classroom participation, learning experiences, and study. Regular interaction of students with one another in the classroom and their participation in instructional activities under the tutelage of competent teachers are vital to the entire process of education. This established principle of education underlies and gives purpose to the requirement of compulsory schooling in every state in the nation. The good things schools have to offer can only be presented to students in attendance.

A student’s regular school attendance also reflects dependability and is a significant component on a student’s permanent record. Future employers are as much concerned about punctuality and dependability as they are about academic record. School success, scholarship, and job opportunity are greatly affected by a good attendance record.

Procedures for specific school building attendance policy can be found in those respective building student handbooks.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
STUDENTS

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 Hardin school district’s definition of non-attendance without excuse is stated in the respective student handbooks.

The Hardin School district has appointed the Big Horn County Superintendent as the attendance officer of the district.

Upon the board designating one or more of its staff as the attendance officer(s), the attendance officer(s) 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

Procedure History:

Promulgated on: 06/25/2013
Reviewed on:
Revised on:
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, or be eligible to attend another school in the district.

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. Thereafter, a written complaint must be filed in accordance with the District Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure
3125F McKinney-Vento Homeless Educational Assistance Dispute Resolution Form

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: 6/27/17
Foreign Exchange Students

Admission Requirements

1. Foreign exchange students must be eighteen (18) years of age or younger at the time of enrollment.

2. Foreign exchange students must reside with a legal resident of the District. Limited exceptions may be granted at the discretion of the Board.

3. Foreign exchange students must have sufficient knowledge of the English language to enable effective communication and to use instructional materials and textbooks printed in English.
   a. An English proficiency test of the District’s own choosing may be administered and will supersede all other tests.
   b. If an organization places a student who, upon arrival, is deemed by the District to be deficient in English language proficiency, the organization will do one of the following:
      i. Terminate the student’s placement.
      ii. Provide, and pay for, tutorial help until the student reaches proficiency, as determined by the District.

4. The Board resumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

Academic Standards and Graduation

1. Foreign exchange students will be expected to meet all appropriate standards required of any student enrolled in the District.

2. Foreign exchange students will not graduate from or receive a diploma from the High School, but they may participate in the ceremonies and receive a certificate of attendance.

Student Opportunities/Responsibilities

1. Foreign exchange students will be expected to enroll in the following academic classes while attending Hardin High School:
a. One (1) English class;
b. One (1) United States history class or one (1) government class;
c. Maintain enrollment in at least six (6) classes.

2. Foreign exchange students are eligible to participate in the High School Activities Program. Guidelines for participation are set by District policy and by the Montana High School Association, as follows:

a. RECOGNITION. The student must be a participant of an “official Foreign Exchange Program” as defined in the publication from the National Association of Secondary School Principals, entitled *Advisory List of International Educational Travel and Exchange Programs*.

b. GRADUATION. The student cannot have graduated or received a diploma in his/her own country.

3. Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets, yearbook costs, athletic fees, cap and gown fees, lunch prices, and all other school incurred expenses that are expected of other students enrolled in the High School.

4. Foreign exchange students must maintain passing grades in all classes, follow rules and regulations of District student policies, and show satisfactory discipline and attendance. Failure to comply with these expectations shall result in dismissal of the student from the District’s Foreign Exchange Program.

**Procedure History:**
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Student Rights and Responsibilities

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

Cross Reference: 3231 Searches and Seizure
3310 Student Discipline

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment
§ 20-5-201, MCA Duties and sanctions

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Equal Education, Nondiscrimination and Sex Equity

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

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

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

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

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

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

Legal Reference: Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education
§ 49-2-307, MCA Discrimination in education
24.9.1001, et seq., ARM Sex Discrimination in Education
34 CFR Part 106 Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 01/14/15, 6/27/17
STUDENT PUBLICATIONS

Student Publications

Student publications produced as part of the school’s curriculum or with the support of student body funds are intended to serve both as vehicles for instruction and student communications. They are operated and substantively financed by the student body and the District.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene, or profane nor may they cause a substantial disruption of the school, invade the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the violation of the law. They may not advertise tobacco, nicotine, 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:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, February 23, 2010
Distribution and Posting of Materials

District policy allows distribution of materials of parent and student organizations sponsored by the District or other governmental agencies. The District also may allow distribution of materials that provide information valued or needed by the District.

The building principals must approve all materials before they may be distributed by any organization.

To facilitate the distribution of materials with information about student activities, each school may maintain a centrally located bulletin board for the posting of materials, and/or maintain a table available to students for placing approved materials.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Student Dress

The District recognizes that a student’s choice of dress and grooming habits demonstrate personal style and preference. The District has the responsibility to ensure proper and appropriate conditions for learning, along with protecting the health and safety of its student body. Even though the schools will allow a wide variety of clothing styles, dress and grooming must not materially or substantially disrupt the educational process of the school or create a health or safety hazard for students, staff, or others.

Building administrators shall establish procedures for the monitoring of student dress and grooming in school or while engaging in extracurricular activities. Specific regulations shall be published annually in student handbooks.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Sexual Harassment/Intimidation of Students

Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent, or student engages in sexual harassment whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student’s academic status; or

2. Has the purpose or effect of:
   a. Substantially interfering with a student’s educational environment;
   b. Creating an intimidating, hostile, or offensive educational environment;
   c. Depriving a student of educational aid, benefits, services, opportunities, or treatment; or
   d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms “intimidating,” “hostile,” and “offensive” include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include but are not limited to unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person’s alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should consult a counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to suspension and expulsion consistent with the District’s discipline policy. Any person who knowingly makes a false accusation regarding sexual harassment likewise will be subject to disciplinary action up to and including discharge with regard to employees or suspension and expulsion with regard to students.
The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal References: Art. X, Sec. 1, Montana Constitution
§§ 49-3-101, et seq., MCA Montana Human Rights Act
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Bullying/Harassment/Intimidation/Hazing

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

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.

3. “Hazing” includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.

4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student’s educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:
   a. Physically harming a student or damaging a student’s property;
   b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
   c. Creating a hostile educational environment, or;
   d. Substantially and materially disrupts the orderly operation of a school.
5. “Electronic communication device” means any mode of electronic communication, including, but not limited to, computers, cell phones, PDAs, or the internet.

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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: 3225F Harassment Reporting Form for Students
Legal Reference: 10.55.701(2)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:
Adopted on: June 27, 2006
Reviewed on:
Searches and Seizure

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

The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and (2) reasonably related in scope to the circumstances which justified the interference in the first place.

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

1. A “pat down” of the exterior of the student’s clothing.
2. A search of the student’s clothing including pockets;
3. A search of any container or object used by, belonging to or otherwise in the possession or control of a student; and/or
4. Devices or tools such as breath-test instruments, saliva test strips, etc.

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

School Property and Equipment and Personal Effects of Students

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

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.

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:
- Terry v. Ohio, 392 U.S. 1, 20 (1968)
- B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, December 11, 2007, April 14, 2009, 01/14/15
Video Surveillance

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate locations for video cameras.

The Superintendent will notify staff and students, through staff and student handbooks or by other means, that video surveillance may occur on District property. A notice will also be posted at the main entrance of all District buildings, and on all buses, indicating the use of video surveillance.

The District may choose to make video recordings a part of a student’s educational record or of a staff member’s personnel record. The District will comply with all applicable state and federal laws related to record maintenance and retention.

Video recordings will be totally without sound.

Cross Reference: 3600 Student Records

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
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.

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.

At hearing the student may be represented by counsel, present witnesses and other evidence, and cross-examine witnesses. 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.

Procedures for Suspension and Expulsion of Students With Disabilities

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

A building administrator may suspend a child with a disability from the child’s current placement for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under 34 CFR 300.519(b), whether or not a student’s gross disobedience or misconduct is a manifestation of a student’s disabling condition. Any special education student who has exceeded or who will exceed ten (10) days of suspension may temporarily be excluded from school by court order or by order of a hearing officer, if the District demonstrates that maintaining the student in the student’s current placement is substantially likely to result in injury to the student or to others. After a child with a disability has been removed from his or her placement for more than ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 CFR 300.121(d).

An administrator may remove from current placement any special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. The District will place such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.
Legal Reference: 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
34 CFR 300.519-521 Procedural Safeguards
§ 20-4-302, MCA Discipline and punishment of pupils — definition of
corporal punishment — penalty — defense
§ 20-4-402, MCA Duties of district superintendent or county high
school principal
§ 20-4-105, MCA Attendance officer — powers and duties
§ 20-5-106, MCA Truancy
§ 20-5-201, MCA Duties and sanctions
§ 20-5-202, MCA Suspension and expulsion
ARM 10.16.3346 Aversive Treatment Procedures
ARM 10.55.910 Student Discipline Records
Section 504 IDEA

Policy History:
Adopted on:
Reviewed on:
Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, 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, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a Weapon in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

- On, or within sight of, school grounds before, during, 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 a staff member or an interference with school purposes or an educational function.
Disciplinary Measures

Disciplinary measures include but are not limited to:

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

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

Delegation of Authority

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

Cross Reference:
- 3300 Suspension and Expulsion
- 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

Policy History:
Adopted on:
Reviewed 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 Hardin School District 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, the Board of Trustees through this policy authorizes the Superintendent, or the principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.

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; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a))

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building. (45-8-361 (3b))

This policy does not apply to law enforcement officers acting in his or her official capacity. (45-8-361 (3a))

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

Note: Section (g) of the NCLB Section 4141 – Gun Free Requirements, carves out a very significant exception to the Gun Free Schools Act in that it allows a student to have “a firearm that is lawfully stored inside a locked vehicle on school property. . .” Montana law (20-5-202, MCA), on the other hand, does not provide for any exception to the expulsion requirement if a student has a firearm that is lawfully stored inside a locked vehicle on school property. The only reference to federal law in 20-5-202(2), MCA is the federal definition of a firearm. As you well know 20-5-202(2), MCA provides that:

(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.
So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.

There is one significant inconsistency between the Federal Gun Free Schools Act and Montana is that under federal law it provides that “State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing,” whereas 20-5-202(2), MCA, provides that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.

Cross Reference: Policy 3310 Student Discipline
Policy 4332 Conduct of School Property

Legal Reference: § 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of a weapon in a school building
18 U.S.C. § 921 Definitions
NCLB, Section 4141 Gun Free Requirements

Policy History:
Adopted on: June 25, 2013
Reviewed on:
Revised on:
Hardin Public Schools

STUDENTS

Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. Students may be required to attend Saturday school.

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. Parents must be notified prior to a student serving an after-school detention.

Students detained for corrective action or punishment shall be under the supervision of the staff member or designee.

The principal shall be responsible for seeing that the time the student spends for detention shall be used constructively for educational purposes.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

STUDENTS

Use of Alcohol-Sensor Device

Students are prohibited by Montana law and District policy from using or possessing alcoholic beverages. It is District policy to deter use or possession of alcoholic beverages by students on District property or at school-sponsored or related activities or events, through use of an alcohol-sensor device.

Anytime the Superintendent, another administrator, or a teacher has reasonable suspicion that a student has consumed an alcoholic beverage, the student will be given an opportunity to admit or deny consumption of alcohol. If the student admits consumption of alcohol, appropriate disciplinary action will be taken under applicable District policies and student handbook provisions, including potential restriction of or exclusion from participation in extra- and co-curricular activities.

If the student denies consumption of alcohol, the Superintendent or another District employee designated by the Superintendent may utilize an alcohol-sensor device to either confirm alcohol consumption or eliminate the suspicion. Confirmation of alcohol consumption will result in appropriate disciplinary action under applicable District policies and student handbook provisions, including potential restriction of participation in or exclusion from extra- and co-curricular activities.

If the student refuses to submit to testing for the presence of alcohol, the District may rely upon other evidence of alcohol consumption in determining whether District policy has been violated.

Cross Reference: 1312 Administrative Procedures 3300 Suspension and Expulsion 3300P Corrective Actions and Punishment 3310 Student Discipline 3310P Discipline of Students with Disabilities 3340 Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
STUDENTS

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

The District views participation in extracurricular activities as a privilege extended to students willing to make a commitment to adhere to the rules which govern them.

Possession of or under the influence of alcohol, tobacco, illegal drugs or non-prescribed prescription drugs in the school buildings, on school grounds, in vehicles on school grounds, during school sponsored events, or during school time is prohibited.

If a student receives a citation from Law Enforcement of MIP or Possession of a Controlled Substance, the School Discipline Consequences will be effective immediately, unless the student pleads not guilty to the charge. In that event, a student will sit out the season until the case is resolved in court, and then the administration will decide consequences based on the outcome in court.

When a student violates this policy, he/she is suspended from participation in all athletic/activity programs for twenty (20) school days, to include four (4) weekends from the date the infraction was acted upon by the coach/activity sponsor or administrator. If the suspension occurs at the end of the season or school year, the policy requirements must be completed at the beginning of the next sports season. Any exception to this must have administrative approval. Second, the student is required to enroll in and successfully complete a public or school based substance abuse information program. Failure to successfully complete the program will result in the student being required to complete a suspension from the activity for sixty (60) school days to include twelve (12) weekends from the date the infraction was acted upon by the administrator. This will carry over to the following academic years until all policy requirements have been completed.

Additional Offense:

Any drug or alcohol offense beyond the first (1\textsuperscript{st}) will result in the student being eliminated from any further participation in athletic/activity programs for the remainder of that season. All future eligibility considerations will be determined by the administration only after the successful completion of a certified drug and alcohol abuse program.

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

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
STUDENTS

Gambling

Students are not permitted to gamble for money while in school, on school property, in school vehicles, while on school-sponsored trips, or when representing the school during activity or athletic functions. Students who are found to be betting, playing cards, rolling dice for money, playing keno or poker machines, gambling on the Internet, or involved in any other form of gambling shall be reported to the principal. Appropriate discipline will be administered in accordance with the District’s student discipline policies.

Legal Reference: § 23-5-112, MCA Definitions
§ 23-5-158, MCA Minors not to participate – penalty – exception

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
The District has a strong commitment to the health, safety, and welfare of its students. Results of studies throughout the United States indicate that education alone, as a preventive measure, is not effective in combating substance abuse. Our commitment to maintaining the extracurricular activities in the District as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extracurricular activities.

Purpose

The drug-testing program is not intended to be disciplinary or punitive in nature. Students involved in extracurricular activities need to be exemplary in the eyes of the community and other students. It is the purpose of this program to prevent students from participating in extracurricular activities while they have drug residues in their bodies, and it is the purpose of this program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug-free participation. No student shall be expelled or suspended from school as a result of any verified positive test conducted by his/her school under this program, other than as stated herein.

Scope

Participation in extracurricular activities is a privilege. This policy applies to all District students in grades 9-12, who wish to participate in extracurricular athletics, activities, clubs, or organizations under the control and jurisdiction of the Montana High School Association and/or Hardin High School.

Consent Form

It is MANDATORY that each student who participates in extracurricular activities and their parent/guardian or caretaker relative sign and return the Consent Form prior to participation in any extracurricular activity. Failure to comply will result in nonparticipation. Any individual involved in falsifying or attempting to falsify their or another individual’s drug test will be treated as testing positive.

Each extracurricular participant shall be provided with the Consent Form (3350F), which shall be dated and signed by the participant and by the parent/guardian or caretaker relative. In so doing, the student is agreeing to participate in the random drug-testing program at Hardin High School.

Drug Testing Schedule

Thirty percent (30%) of participants in fall (FB, VB, GO, XC, CH), winter (WR, SW, BBB,
GBB, S/D, CH), and spring (TR, TN, SB) seasons will be randomly selected for testing during the first (1st) week of the season/school year. Thereafter, five percent (5%) of the current season’s participants will be randomly selected for drug testing each week.

Testing Procedures

1. Hardin High School will use a Urinalysis and an Oral Fluids (saliva) Drug Test.

2. The test will be done by at least two (2) adults, one (1) being the school nurse or athletic trainer, the other being the Athletic Director or his assistant.

3. The test givers will have a negative or positive result within fifteen (15) minutes following the test.

4. In the event the test should be positive, it will be sent to an independent laboratory for confirmation. Only after the second (2nd) positive result will the student be considered positive.

Medication

Student participants who have been or who are taking prescription medication must provide verification (either by a copy of the prescription or by doctor’s authorization) prior to being tested. Students who refuse to provide verification and who test positive will be subject to actions specified below in “Results of the Drug Testing.”

Results of the Drug Testing

If a student tests positive to the drug test, the following will occur:

1. Notification to the parent, guardian, or caretaker relative.

2. A due process hearing will be conducted with the principal, coach, parent/guardian or caretaker relative, and the student.

3. The student must receive a professional chemical dependency evaluation from a certified chemical dependency counselor.

4. The student may not participate in any activity at Hardin High School, until evaluation, a public or school-based substance abuse information program, and the remaining policy requirements from # 8, below, have been completed. **This will carry over to the following academic years, until all policy requirements have been completed.**

5. Once a student tests positive, that student will be required to take the drug test at least
once a month for as long as the student participates in activities for that school year.

6. If a student refuses to take a drug test, all procedures will be followed as if the student tested positive on the test.

7. If a student tests positive on a drug test twice in a school year, the student will be eliminated from any further participation in athletic/activity programs for the remainder of the season and must enroll and successfully complete an approved drug/alcohol program in order to be considered for further eligibility during the current school year.

8. **When a student tests positive:** The student is suspended from participation in all athletic/activity programs and co-curricular activities for twenty (20) school days, to include four (4) weekends, from the date the infraction was acted upon by the coach/activity sponsor or administrator; the student must enroll in and complete a public or school-based substance abuse information program within the twenty-(20)-day suspension. Any exception to this must have administrative approval. **During the twenty- (20)-day suspension, the student is allowed to practice with the team.**

9. This policy is in addition to the drug and alcohol policy in the Hardin High School Activity Discipline Policy.

**Policy History:**

Adopted on:

Reviewed on:

Revised on: August 28, 2007
Student Health/Physical Screenings/Examinations

The Board may arrange each year for health services to be provided to all students. Such services may include but not be limited to:

1. Development of procedures at each building for isolation and temporary care of students who become ill during the school day;
2. Consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening;
5. Dental screening;
6. Immunization as provided by the Department of Public Health and Human Services.
7. The maintenance of student health records.

Parents/guardians will receive written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student’s progress.

In general the District will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when screening administered by the District is conducted, which is:

1. Required as a condition of attendance.
2. Administered by the school and scheduled by the school in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described screenings.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.
All parents will be notified of requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

Legal Reference:

- § 20-3-324(20), MCA
- 20 U.S.C. 1232h(b)

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
The Board requires all students to present evidence of their having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the department. Haemophilus influenza type “b” immunization is required for students under age five (5).

Upon initial enrollment, an immunization status form shall be completed by the student’s parent or guardian. The certificate shall be made a part of the student’s permanent record.

A student who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring student ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the student to the school district to which the student transfers. Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a physician indicating the specific nature and probable duration of the medical condition for not administering the vaccine(s). Exemptions for religious reasons must be filed annually. The statement for an exemption shall be maintained as part of the student’s immunization record. The permanent file of students with exemptions shall be marked for easy identification, should the Department of Public Health and Human Services order that exempted students be excluded from school temporarily when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar days.

The Superintendent may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses of varicella, polio, measles (rubella), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except that Haemophilus influenza type “b” vaccine is required only for children under 5 years of age.

The District shall exclude a student for noncompliance with the immunization laws and properly notify the parent or guardian. The local health department may seek an injunction requiring the parent to submit an immunization status form, take action to fully immunize the student, or file an exemption for personal or medical reasons.

Legal Reference:

§ 20-3-324(20), MCA  Powers and duties
§ 20-5-402 - 410, MCA  Health
§ 20-5-403, MCA  Immunization required – release and acceptance of immunization records
§ 20-5-405, MCA  Medical or religious exemption

Policy History:
Adopted on:  
Reviewed on:  
Management of Sports Related Concussions

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

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

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

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

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

Legal Reference: Senate Bill 112 (2013 Legislature)

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

Policy History:
Adopted on: June 25, 2013
Reviewed on:
Revised on:
STUDENTS

Administering Medicines to Students

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

A building principal or other 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 of a medical practitioner and with the written consent of a student’s parent or guardian.

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

Administering Medication

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

Emergency Administration of Medication

In case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may administer emergency oral or injectable medication to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a chief medical advisor or a student’s private physician.

In the absence of a school nurse, an administrator or designated staff member exempt from the nurse license requirement under § 37-8-103(1)(c), MCA, who has completed training in administration of medication, may give emergency medication to students orally or by injection.

The Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.
A building administrator or school nurse will enter any medication to be administered in an emergency on an individual student medication record and will file it in a student’s cumulative health folder.

Self-Administration of Medication

The District will permit students who are able to self-administer specific medication to do so provided that:

- A physician or dentist provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student’s parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

A building principal or school administrator may authorize, in writing, any employee to assist with self-administration of medications, provided that only the following may be employed:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.

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

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

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

• Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and must be renewed annually.

A student’s authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.

**Administration of Glucagons**

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA.

**Handling and Storage of Medications**

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

• Must examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician’s name;

• Must develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;

• Must record on the student’s individual medication record the date a medication is delivered and the amount of medication received;

• Must store medication requiring refrigeration at 36° to 46° F;

• Must store prescribed medicinal preparations in a securely locked storage compartment; and

• Must store controlled substances in a separate compartment, secured and locked at all times.
The District will permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. 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 20-5-420, Section 2, MCA.

Disposal of Medication

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

Legal Reference: § 20-5-412, MCA Definition – parent-designated adult administration of glucagons – training

§ 20-5-420, MCA Self-administration or possession of asthma, severe allergy, or anaphylaxis medication

8.32.1733, ARM Tasks Which May Be Routinely Assigned to an Unlicensed Person in any Setting When a Nurse-Patient Relationship Exists

Policy History:
Adopted on: 
Reviewed on: 
Communicable Diseases

Note: For purposes of this policy, the term “communicable disease” refers to the diseases identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.

In all proceedings related to this policy, the District will respect a student’s right to privacy. Although the District is required to provide educational services to all school-age children who reside within its boundaries, it may deny attendance at school to any child diagnosed as having a communicable disease that could make a child’s attendance harmful to the welfare of other students. The District also may deny attendance to a child with suppressed immunity in order to protect the welfare of that child when others in a school have an infectious disease, which, although not normally life threatening, could be life threatening to a child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District will rely on advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

The District will manage common communicable diseases in accordance with Montana Department of Public Health and Human Services guidelines and communicable diseases control rules. The District may temporarily exclude from school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting.

Students who complain of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person designated on a student’s emergency medical authorization form has been notified. The District reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to school.

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

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation will be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.
The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control

Policy History:

Adopted on:

Reviewed on:

Revised on: August 28, 2007
The Board recognizes its responsibility to all students enrolled in the Hardin Public Schools to provide a safe and healthy environment in which they may attend school. One inhibitor to a healthy environment is the head louse (Pediculus capitis). Head lice infestations must be addressed in public schools if a healthy environment is to be maintained. Every attempt will be made to educate students and parents on the prevention and eradication of head lice before and after infestation is detected.

The innocent desire of children to be social and the communicable nature of lice requires preventive measures by the school district and the public health agency to contain infestations. The Hardin Public Schools will work cooperatively with the public health agency to insure that infestations of head lice are contained and eradicated in the school.

In the interest of health and welfare of students enrolled in Hardin Public Schools, students will be permitted to attend class with the general population unless a school nurse determines they are infested with head lice. In which case, the parent or guardian will be contacted to pick up the student.

Whole classrooms will be checked if a teacher identifies 5 (five) or more students or 25% of the entire class with possible head lice. The administrator, his/her designee, school nurse or another qualified professional will examine the children in question and their classmates. Every attempt will be made to check all other siblings attending Hardin Public Schools of students found with lice.

The student found with head lice is to be kept out of school until he/she is treated and hair is free of lice. The student may return to school after being successfully treated so that no live lice are present.

Parents or guardians will be informed of lice infestation by a letter that explains the problem, lists the procedures for treatment and requirements for reentering school. Every attempt will be made to contact parents or guardians immediately upon discovery of head lice. Parents will be asked to come to school to pick up the student and begin treatment immediately.

Policy History:
Adopted on: 01/27/2015
Reviewed on:
Revised on: 06/28/2016

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Hardin Public Schools

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness or injury; however, further medical attention is the responsibility of a parent or guardian.

The District requires that every parent or guardian provide a telephone number where a parent or designee of a parent may be reached in case of an emergency.

When a student is injured, staff will provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without regard to the existence of a do not resuscitate (DNR) request. A principal or designated staff member will call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

- Isolate the student from other children to a room or area segregated for that purpose;
- Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child; and
- Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

When a parent or guardian cannot be reached, and it is the judgment of a principal or other person in charge that immediate medical attention is required, an injured student may be taken directly to a hospital. Once located, a parent or a guardian is responsible for continuing treatment or for making other arrangements.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
Food Allergy Management

Food-allergic reactions can develop into severe or life-threatening reactions and, even with proper treatment, can be fatal. A student’s ability to learn may be drastically altered by their fears of a reaction. The Board will endeavor to provide a safe and healthy environment for students with severe and life-threatening food allergies and to address food allergy management in District schools in order to:

1. Reduce the likelihood of severe or potentially life-threatening allergic reactions;
2. Ensure a rapid and effective response in the case of a severe or potentially life-threatening allergic reaction; and
3. To provide students, through necessary accommodations, the opportunity to participate fully in all school programs and activities, including classroom parties and field trips.

Food allergy management will focus on prevention, education, awareness, communication, and emergency response.

District and school administrators, will endeavor to be knowledgeable about and follow all applicable federal laws, including the Americans with Disabilities Act, Section 504, Individuals with Disabilities Education Act, and the Family Educational Rights and Privacy Act, as well as all state laws and District policies/guidelines that may apply to students with allergies. Administrators or their designees may make all of the appropriate allergy forms available to parents, explain the procedures for completing and returning them, and ensure that all forms and health records submitted by parents and physicians are reviewed by the appropriate personnel. Administrators and school nurses may also meet with parents and listen to their needs and concerns.

When a student has been identified as having food allergies verified by a physician, nurse practitioner, or physician assistant, individual written management plans may be used to determine accommodations to be made on a daily basis to prevent and prepare for an allergic reaction. An emergency care plan may be used to provide direction in the event of a life-threatening allergic reaction at school or at a school event. Key staff members may be trained to use emergency medications and may be notified of the location of those medications at school and at any special function.

The Superintendent or designee, in coordination with the school nurse, school nutrition services staff, and other pertinent staff, may develop administrative regulations to implement this policy, including regulations pertaining to all classrooms and instructional areas, school cafeterias, outdoor activity areas, school buses, field trips, and school activities held before or after the school day.
Administrative regulations may address the following components:

1. Identification of students with food allergies and provision of school health services;
2. Development and implementation of individual written management plans;
3. Medication protocols, including methods of storage, access and administration;
4. Development of a comprehensive and coordinated approach to creating a healthy school environment;
5. Ensuring that the needs of children with documented allergies are taken into consideration in planning for District programs;
6. Communication and confidentiality;
7. Emergency response;
8. Professional development and training for school personnel;
9. Awareness education for students and parents/guardians;
10. Training for District staff and volunteers; and
11. Policy monitoring and evaluation.

Allergy-related policies, protocols, and plans may be updated annually or after any serious allergic reaction occurs at school or at a school-sponsored activity.

The Superintendent or designee may annually notify students, parents/guardians, staff and the public about the District’s food allergy management policy by publishing such in handbooks and newsletters, on the District’s website, through posted notices, or other efficient methods.

Students with allergies will be treated in a way that encourages the student to report possible exposure to allergen and any symptoms of an allergic reaction, and to progress toward self-care with his or her food allergy management skills. Allergy-related bullying will not be tolerated.

The parent/guardian is expected to provide an adequate supply of the medication to be dispensed, and to retrieve any unused medication at the end of the school year or at the withdrawal of the student. Medication that is not retrieved by the parent/guardian by the student’s last day of attendance during the school year will be disposed of by the District. This disposal will be verified by two (2) people.

Cross Reference: 2161 Special Education
2162 Section 504 of the Rehabilitation Act of 1973
3416 Administering Medicines to Students
Authorization for Self-Administered Asthma/Emergency Medication

Policy History:
Adopted on: 03/22/2016
Reviewed on:
Revised on:
STUDENTS

Student Fees, Fines, and Charges

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

The Board may charge a student a reasonable fee for any course or activity not reasonably related to a recognized academic and educational goal of the District or for any course or activity taking place outside normal school functions. The Board may waive fees in cases of financial hardship.

The Board delegates authority to the Superintendent 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.

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. The District may withhold a student’s grades or diploma until restitution is made. The District may not refuse to transfer files because a student owes fines or fees.

(a) A school district may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

(b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection (4)(a) shall:

(i) upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

(ii) forward appropriate grades or transcripts to the school to which the pupil has transferred;

(iii) at the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;

(iv) when the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred;

A student or parent may appeal the imposition of a charge for damages to the Superintendent and to the Board.
Legal reference: § 20-1-213 (3), MCA Transfer of school records
§ 20-5-201(4), MCA Duties and sanctions
§ 20-7-601, MCA Free textbook provisions
§ 20-9-214, MCA Fees

Policy History:
Adopted on:
Reviewed on: August 28, 2007, 4/8/14
STUDENTS

Student Fund-Raising Activities

The Board acknowledges that the solicitations of funds from students, staff, and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization, may be permitted by the Superintendent, providing that the instructional program is not adversely affected.

Policy History:

Adopted on:
Reviewed on:
Revised on:  August 28, 2007
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.


Policy History:
Adopted on: 
Reviewed on: 
Revised on: August 28, 2007, June 25, 2011
Transfer of Student Records

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

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

Cross Reference: 3413 Student Immunization
3600 - 3600P Student Records

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

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Receipt of Confidential Records

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

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

- Counselor

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

Cross Reference: 3600 - 3600P Student Records

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Hardin Public Schools

STUDENTS

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

General

The District makes Internet access and interconnected computer systems available to District students and faculty. The District provides electronic networks, including access to the Internet, as part its instructional program and to promote educational excellence by facilitating resource sharing, innovation, and communication.

The District expects all students to take responsibility for appropriate and lawful use of this access, including good behavior on-line. The District may withdraw student access to its network and to the Internet when any misuse occurs. District teachers and other staff will make reasonable efforts to supervise use of network and Internet access; however, student cooperation is vital in exercising and promoting responsible use of this access.

Curriculum

Use of District electronic networks will be consistent with the curriculum adopted by the District, as well as with varied instructional needs, learning styles, abilities, and developmental levels of students and will comply with selection criteria for instructional materials and library materials. Staff members may use the Internet throughout the curriculum consistent with the District’s educational goals.

Acceptable Uses

1. Educational Purposes Only. All use of the District’s electronic network must be: (1) in support of education and/or research, and in furtherance of the District’s stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District’s electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage.

2. Unacceptable Uses of Network. The following are considered unacceptable uses and constitute a violation of this policy:

   A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District’s student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into
the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.

B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another’s reputation by lies); employing another’s password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in “hacking” activities or any form of unauthorized access to other computers, networks, or other information.

C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.

D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network or for any information that is retrieved or transmitted via the Internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet. Any user is fully responsible to the District and will indemnify and hold the District, its trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user’s access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchase of goods or services by a user. The District expects a user or, if a user is a minor, a user’s parents or legal guardian to cooperate with the District in the event of its initiating an investigation of a user’s use of access to its computer network and the Internet.

Violations

If a student violates this policy, the District will deny the student access or will withdraw access and may subject the student to additional disciplinary action. An administrator or building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Hardin Public Schools

STUDENTS

Cell Phones and Other Electronic Equipment

Student possession and use of cellular phones, pagers, and other electronic signaling devices (see student handbooks) on school grounds, at school-sponsored activities, and while under the supervision and control of District employees is a privilege which will be permitted only under the circumstances described herein. At no time will any student operate a cell phone or other electronic device with video capabilities in a locker room, bathroom, or other location where such operation may violate the privacy right of another person in the high school during school hours (7:30 a.m. - 5:00 p.m.). Laser lights and laser pens are not allowed on school property at anytime.

Students may use cellular phones outside: before school, lunch time, and after school. These devices must be kept out of sight and turned off during the instructional day. Unauthorized use of such devices disrupts the instructional program and distracts from the learning environment. Therefore, unauthorized use is grounds for consequences as described in the student handbook and confiscation of the device by school officials, including classroom teachers.

Policy History:
Adopted on: August 28, 2007
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Revised on:
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COMMUNITY RELATIONS

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:

Reviewed on:

Revised on: August 28, 2007
Hardin Public Schools

COMMUNITY RELATIONS

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:
Reviewed on:
Revised on: August 28, 2007
School-Support Organizations

The Board recognizes that parent, teacher, and student organizations are an invaluable resource to District schools and supports their formation and vitality. While parent, teacher, and student organizations have no administrative authority and cannot determine District policy, their suggestions and assistance are always welcome.

Parent organizations and booster clubs are recognized by the School Board and permitted to use the District’s name, a District school’s name, or a District school’s team name, or any logo attributable to the District provided they first receive the Superintendent or designee’s express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has by-laws containing the following:

1. The organization’s or club’s name and purpose, such as, to enhance students’ educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.

2. The rules and procedures under which it operates.

3. An agreement to adhere to all Board policies and administrative procedures.

4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, District staff, and community members.

5. A statement that the District is not, and will not be, responsible for the organization’s or club’s business or the conduct of its members.

6. An agreement to maintain and protect its own finances.

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The School Board’s legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club’s recommendation.

Permission to use one of the above-mentioned names or logos may be rescinded at any time and does not constitute permission to act as the District’s representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was

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1 An alternative follows:
An agreement not to engage in discrimination based on someone’s innate characteristics or membership in a suspect classification.

2 Booster clubs are understandably selective in their support. However, by accepting booster club assistance that creates vast gender differences, a school board may face claims that it has violated Title IX. Title IX’s focus is on equal funding opportunities, equal facility availability, similar travel and transportation treatment, comparable coaching, and comparable publicity (34 C.F.R. Part 106).
recognized and/or permitted to use any of the above-mentioned names or logos. The Superintendent shall designate an administrative staff member to serve as the liaison to parent organizations or booster clubs. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff will be encouraged to participate in the organizations.

Fund-Raising by School Support Groups

Fund-raising by school support groups is considered a usual and desirable part of the function of such groups. Specific fund-raising activities must be approved in advance by the principal.

The principal must be consulted before any expenditure of such funds. All such funds raised by school adjunct groups are to be used for direct or indirect support of school programs.

Equipment purchased by support groups and donated to the schools becomes the property of the District and may be used or disposed of in accordance with District policy and state law.

Policy History:

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3 Booster clubs present potential liabilities to a school district beyond loss of funds because they seldom are properly organized (they generally are not incorporated or otherwise legally recognized), carry no insurance, raise and handle large sums, and club members hold themselves out as agents of the school (after all, no funds could be raised but for the school connection). A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its attorney, to minimize liability, such as adding a requirement to item 6 above that the club: (1) operate under the school’s authority (activity accounts); or (2) be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond, and/or arranging regular audits. Ultimately, the best way to minimize liability is to be sure that the district’s errors and omissions insurance covers parent organizations and booster clubs.
Hardin Public Schools

COMMUNITY RELATIONS

Visitors to Schools

The District encourages visits by Board members, parents, and citizens to all District buildings. All visitors shall report to the main office on entering any school building. Conferences with teachers should be held outside school hours or during the teacher’s conference or preparation time.

The Superintendent shall establish guidelines governing school visits to insure orderly operation of the educational process.

Cross Reference: 4313 Disruption of School Operations

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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:
Reviewed on:
Revised on: August 28, 2007
Disruption of School Operations

The staff member in charge will immediately notify local law enforcement authorities, if any person disrupts or obstructs any school program, activity, or meeting or threatens to do so, or commits, threatens to imminently commit, or incites another to commit any act that will disturb or interfere with or obstruct any lawful task, function, process, or procedure of any student, official, employee, or invitee of the District.

The staff member in charge will make a written report detailing the incident no later than twenty-four (24) hours after the incident occurs. A copy of the report will be given to the staff member’s immediate supervisor.

Cross Reference: 4301 Visitors to Schools

Legal Reference: § 20-1-206, MCA Disturbance of school - penalty
§ 20-5-201, MCA Duties and sanctions
§ 45-8-101, MCA Disorderly conduct

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events

Any person, including an adult, who behaves in an unsportsmanlike manner during an athletic or co-curricular event may be ejected from the event and/or denied admission to school events for up to a year after a Board hearing. Examples of unsportsmanlike conduct include but are not limited to:

- Using vulgar or obscene language or gestures;
- Possessing or being under the influence of any alcoholic beverage or illegal substance;
- Possessing a weapon;
- Fighting or otherwise striking or threatening another person;
- Failing to obey instructions of a security officer or District employee; and
- Engaging in any illegal or disruptive activity.

The Superintendent may seek to deny future admission to any person by delivering or mailing a notice by certified mail with return receipt requested, containing:

1. Date, time, and place of a Board hearing;
2. Description of the unsportsmanlike conduct; and
3. Proposed time period admission to school events will be denied.

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
§ 20-4-303, MCA Abuse of teachers
§ 45-8-101, MCA Disorderly conduct

Policy History
Adopted on: August 28, 2007
Reviewed on:
Community Relations

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


Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
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:
Reviewed on:
Revised on: August 28, 2007
Community Use of School Facilities

School facilities are available to the community for educational, civic, cultural, and other noncommercial uses consistent with the public interest, when such use will not interfere with the school program or school-sponsored activities. Use of school facilities for school purposes has precedence over all other uses. Persons on school premises must abide by District conduct rules at all times.

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The Superintendent will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires administrative approval and is subject to the procedures.

The Activities Director or building principals will approve and schedule various uses of school facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the Activity Director or building principals’ office in advance of the event.

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:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

COMMUNITY RELATIONS

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:

A. Disrupt the educational process;
B. Violate the rights of others;
C. Invade the privacy of others;
D. Infringe on a copyright; or
E. Be obscene, vulgar, or indecent.
F. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns.

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings. No information from any candidates for non-student elective offices shall be posted in or around school district property, or distributed to the students.

If permission is granted to distribute materials, the organization must arrange to have copies delivered to the school. Distribution of the materials will be arranged by administration.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Hardin Public Schools

COMMUNITY RELATIONS

Conduct on School Property

In addition to prohibitions stated in other District policies, no person on school property shall:

1. Injure or threaten to injure another person;
2. Damage another’s property or that of the District;
3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;
5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess weapons (as defined in Policy 3310) at any time;
6. Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program or any other activity occurring on school property;
7. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
8. Willfully violate other District rules and regulations.

“School property” means within school buildings, in vehicles used for school purposes, or on owned or leased school grounds. District administrators will take appropriate action, as circumstances warrant.

Cross Reference: 3310 Student Discipline
3311 Firearms and Weapons

Smoke Free School Act of 1994
16-11-302, MCA Definitions
§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
§ 20-5-410, MCA Civil penalty

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Community Schools’ Program

As a method of extending educational opportunities to the entire community through a fuller utilization of school facilities and equipment, a community schools program may be established to provide adult education, basic adult education, and public recreation. The program shall be financed by federal, state, and local funds available for this purpose.

The Superintendent shall establish and periodically present to the Board for review an organizational plan and tentative program which shall assure that the program is responsive to the varying needs of citizens living in different sections of the community.

Legal Reference: §20-7-200, MCA Adult Education  
§20-7-800. MCA Public Recreation

Policy History:  
Adopted on: July 28, 1998  
Reviewed on:  
Revised on: August 28, 2007
Public Access to District Records

Within limits of an individual’s right of privacy, the public will be afforded full access to information concerning administration and operations of the District. Public access to District records shall be afforded according to appropriate administrative procedures.

“District records” include any writing, printing, photostating, photographing, etc. (including electronic mail), which has been made or received by the District in connection with the transaction of official business and presented for informative value or as evidence of a transaction, and all other records required by law to be filed with the District. “District records” do not include personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent will serve as the public records coordinator, with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent will authorize the inspection and copying of District records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 6, MCA, the District will make available for public inspection and copying all District records or portions of records, except those containing the following information:

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.

2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.

3. Test questions, scoring keys, or other examination data used to administer academic tests.

4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.

5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record shall not be exempt when publicly cited by the District in connection with any District action.
6. Records relevant to a controversy to which the District is a party, but which would not be
available to another party under the rules of pretrial discovery, for cases pending
resolution.

7. Records or portions of records, the disclosure of which would violate personal rights of
privacy.

8. Records or portions of records, the disclosure of which would violate governmental
interests.

If the District denies any request, in whole or in part, for inspection and copying of records, the
District will provide the requesting party with reasons for denial.

If the record requested for inspection and/or copying contains both information exempted from
disclosure and non-exempt information, the District shall, to the extent practicable, produce the
record with the exempt portion deleted and shall provide written explanation for the deletion.

The District will not provide access to lists of individuals, which the requesting party intends to
use for commercial purposes or which the District reasonably believes will be used for
commercial purposes if such access is provided. However, the District may provide mailing lists
of graduating students to representatives of the U.S. armed forces and the National Guard for
purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise
suitable for disclosure, when it is determined reasonable cause exists to believe disclosure would
not be in the public interest and would substantially or irreparably damage any person or would
substantially or irreparably damage vital governmental functions.

Legal Reference: Title 20, Ch. 6, MCA School districts
§ 2-6-109, MCA Prohibition on distribution or sale of mailing lists – exceptions – penalty

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Relations With Law Enforcement and Child Protective Agencies

The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff shall be responsible for holding students accountable for infractions of school rules, which may include minor violations of the law, occurring during school hours or at school activities. When there is substantial threat to the health and safety of students or others, such as in the case of bomb threats, mass demonstrations with threat of violence, individual threats of substantial bodily harm, trafficking in prohibited drugs, or the scheduling of events where large crowds may be difficult to handle, the law enforcement agency shall be called upon for assistance.

Information regarding major violations of the law shall be communicated to the appropriate law enforcement agency.

The District shall strive to develop and maintain cooperative working relationships with the law enforcement agencies. Procedures for cooperation between law enforcement, child protective, and school authorities will be established. Such procedures will be made available to affected staff and will be periodically revised.

Cross Reference: 4313 Disruption of School Operations

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty

Policy History:
Adopted on: May 22, 2001
Reviewed on:
Revised on: August 28, 2007
Investigations and Arrests by Police

All contact between the school and the police department on matters involving students shall be made through the administrative office. The police have ample opportunity and the District encourages police to talk to a student away from the school and before or after school hours. Law enforcement authorities should only be allowed to conduct an interview in the school, if they can show special circumstances exist or if the interview is at the request of the school. The Superintendent or principal should make this determination.

A. If the police have a warrant for the student’s arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the principal’s office out of view of other students. Before removing a student from school, the police shall sign a release form in which they assume full responsibility for the student.

B. Law enforcement personnel should not be allowed to roam about the school until the student is found. They should remain in the administration office while school personnel seek out the student.

C. If possible, the educational program of the student should not be disrupted to allow for police questioning.

D. Any questioning by police should be conducted in a private room or area where confidentiality can be maintained.

E. If law enforcement officials are to be allowed to question a student under the age of eighteen (18), a reasonable attempt shall be made to notify the parents, except in cases of suspected child abuse or child neglect involving the parent. The parents should be given the opportunity to come to the school prior to the questioning.

F. If the parents are notified and able to attend, they should be allowed to be present at the interview. The administrator should be present at the interview but should not take part in any questioning. The administrator should at all times remain a neutral observer.

Policy History:
Adopted on: May 22, 2001
Reviewed on:
Revised on: August 28, 2007
Cooperative Programs With Other Districts and Public Agencies

Whenever it appears to the economic, administrative, and/or educational advantage of the District to participate in cooperative programs with other units of local government, the Superintendent will prepare and present for Board consideration an analysis of each cooperative proposal.

When formal cooperative agreements are developed, such agreements shall comply with requirements of the Interlocal Cooperation Act, with assurances that all parties to the agreement have legal authority to engage in the activities contemplated by the agreement.

The District may enter into interlocal agreements with a unit of the Montana University System, public community college, and/or tribal college, which would allow students enrolled in the 11th and 12th grades to attend and earn credit for classes not available in the District. Tuition and fees, if assessed, will be provided for in the interlocal agreement.

The District may enter into an interlocal agreement providing for the sharing of teachers, specialists, superintendents, or other professional persons licensed under Title 37, MCA. If the District shares a teacher or specialist with another district(s), the District’s share of such teacher’s or specialist’s compensation will be based on the total number of instructional hours expended by the teacher or the specialist in the District.

Legal Reference: §§ 7-11-101, et seq., MCA Interlocal Cooperation Act
§§ 20-7-451 through 456, MCA Authorization to create full service education cooperatives
§§ 20-7-801, et seq., MCA Public recreation

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Registered Sex Offenders

The State of Montana has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, the Hardin School District declares that, except in limited circumstances, Hardin School District should be off limits to registered sex offenders.

Employment

Notwithstanding any other Board policy, individuals listed by the State of Montana as registered sex offenders are ineligible for employment in any position within the Hardin School District. However, the Superintendent shall have discretion consistent with other Board policies to recommend an individual whose name has been expunged from the Sex Offender Registry.

School Off Limits

The District hereby declares that no registered sex offender whose victim was a minor may come on, about, or within 1,000 feet of any District owned buildings or property except as otherwise provided in this policy. If an administrator becomes aware that such a sex offender is on, about, or within 1,000 feet of school property, the administrator shall direct the sex offender to leave the area immediately. The School Board authorizes the administrator to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the area. If a registered sex offender disregards the terms of this policy or the directives of the school administrator, then the Superintendent is authorized to confer with counsel and to pursue such criminal or civil action as may be necessary to enforce compliance with this policy.

This policy shall not be construed to impose any duty upon any administrator or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on, or within 1,000 feet of school property to ascertain whether they are on the Registry. This policy shall only apply when administrators are actually aware that the person is question is on the Sex Offender Registry and that the offender’s victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within 1,000 feet of school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.

Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has child attending the District, the administrator of the school where the child attends shall be authorized to modify this
policy’s restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property before or after dropping of his or her child, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the administrator of any school or any other employee of the District to review the Sex Offender Registry and the school system’s directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if an administrator actually becomes aware that a parent of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender’s child.

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the Superintendent for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

Legal Reference: § 46-23-501, MCA Sexual or Violent Offender Registration Act

www.doj.mt.gov/svor/ Sexual or Violent Offender Registry

Policy History:
Adopted on: June 24, 2008
Reviewed on:
Revised on:
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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


Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, 6/12/2018
Equal Employment Opportunity and Non-Discrimination

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, 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.

A person with an inquiry regarding discrimination should direct their questions to the Title IX Coordinator. A person with a specific written complaint should follow the Uniform Complaint Procedure.

Retaliation against an employee who has filed a discrimination complaint, testified, or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 1700 Uniform Complaint Procedure

Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
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

Policy History:
Adopted on: 
Reviewed on:
Revised on:  August 28, 2007, 02/14/2012, 6/12/2018
Sexual Harassment/Sexual Intimidation in the Workplace

The District will do everything in its power to provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging in any conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or

3. Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms “intimidating,” “hostile,” or “offensive” include but are not limited to conduct that has the effect of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.

A violation of this policy may result in disciplinary action, up to and including discharge. Any person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator or an administrator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure
Legal Reference:

Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11
Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, MCA Human Rights Act

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
The Board will strive to provide a positive and productive working environment. Bullying, harassment, intimidation, between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices ("cyberbullying").

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.

3. “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
   a. Physically harming an employee or damaging an employee’s property;
   b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
   c. Creating a hostile working environment.

4. “Electronic communication device” means any mode of electronic communication, including, but not limited to, computers, cell phones, PDAs, or the internet.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. 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.

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees
               10.55.801(1)(d), ARM School Climate

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: April 14, 2009
Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The principal will initially screen applicants for educational support positions. The District will hire personnel appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, consistent with budget and staffing requirements, and will comply with Board policy and state law on equal employment opportunities and veterans’ preference. All applicants must complete a District application form to be considered for employment.

The Superintendent has the authority to fill a vacant position with a temporary employee, who shall receive the same salary and benefits as a permanent staff member. The Board will act on the Superintendent’s recommendation to fill the vacancy at its next regular meeting.

Every applicant must provide the District with written authorization for a criminal background investigation. The Superintendent will keep any conviction record confidential as required by law and District policy. The district will create a determination sheet from the criminal history record. The determination sheet will be kept on file at the District Office. The Criminal History Record with no disqualifiers will be shredded on site immediately after review. The Criminal History Record with disqualifiers will be retained on file at the District Office according to law. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

The District requires its contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

The personnel office will register all certificates, noting class and endorsement of certificates, and will update permanent records as necessary. The personnel office also will retain a copy of each valid certificate of a contracted certified employee in that employee’s personnel file.
Cross Reference: 5122 Fingerprint 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

Policy History:
Adopted on:
Reviewed on:
Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between terms of a collective bargaining agreement and District policy, the law provides that the terms of the collective bargaining agreement shall prevail for staff covered by that agreement.

Board policies will govern when a matter is not specifically provided for in an applicable collective bargaining agreement.

Legal Reference: § 39-31-102, MCA Chapter not a limit on legislative authority

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Fingerprints and Criminal Background Investigations

Board policy requires that any finalist recommended to be employed in a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency before consideration of the recommendation for employment or appointment by the Board. The results of the name-based check will be presented to the Board, concurrent with the recommendation for employment or appointment. Any subsequent offer of employment or appointment will be contingent on results of the fingerprint criminal background check, which must be acceptable to the Board, in its sole discretion.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified teacher seeking full- or part-time employment with the District;
- An educational support personnel employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Substitute teachers.

Any requirement of an applicant to submit to a fingerprint background check will be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending.

Legal Reference: § 44-5-301, MCA Dissemination of public criminal justice information
§ 44-5-302, MCA Dissemination of criminal history record information that is not public criminal justice information
§ 44-5-303, MCA Dissemination of confidential criminal justice information
ARM 10.57.113 Substitute Teachers
Public Law 105-251, Volunteers for Children Act

Policy History:
Adopted on: July 8, 2003
Reviewed on:
Revised on: August 28, 2007
Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Superintendent or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.

- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or

- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a
public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender’s position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
Occupational Safety and Health Act, 29 U.S.C. §6660(c)
Family and Medical Leave Act, 29 U.S.C. §2615
National Labor Relations Act, 29 U.S.C. §158(a)
Through its overall safety program and various policies pertaining to school personnel, the Board 
will promote the safety of employees during working hours and assist them in the maintenance 
of good health. The Board will encourage all its employees to maintain optimum health through 
the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined 
below. The District will maintain results of physical examinations in medical files separate from 
the employee’s personnel file and will release them only as permitted by law.

The District participates in a Pre-Placement Physical Program for all custodial and maintenance 
personnel and other positions deemed inclusive of this policy as determined by specific Board 
action. Subsequent to a conditional offer of employment in a position for which the District may 
require participation in a pre-placement physical but before commencement of work, the District 
may require an applicant to have a medical examination and to meet any other health 
requirements which may be imposed by the state. The District may condition an offer of 
employment on the results of such examination, if all employees who received a conditional 
offer of employment in the applicable job category are subject to such examination. The report 
shall certify the employee’s ability to perform the job-related functions of the position for which 
the employee is being considered. Such examination shall be used only to determine whether the 
applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state 
law to have a satisfactory medical examination before employment.

If a staff member has a communicable disease and has knowledge that a person with 
compromised or suppressed immunity attends the school, the staff member must notify the 
school nurse or other responsible person designated by the Board of the communicable disease 
which could be life threatening to an immune-compromised person. The school nurse or other 
responsible person designated by the Board must determine, after consultation with and on the 
advice of public health officials, if the immune-compromised person needs appropriate 
accommodation to protect their health and safety.
An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee’s primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Legal Reference:
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act
- 42 U.S.C. 12101, et seq. Americans with Disabilities Act
- 29 CFR, Section 1630.14(c)(1)(2)(3)
- Title 49, Chapter 2, MCA Illegal Discrimination
- Title 49, Chapter 4, MCA Rights of Persons with Disabilities
- § 20-10-103(4), MCA School bus driver qualifications
- ARM 16.28.1005 Employee of School – Day Care Facility
- ARM 37.111.825 Health Supervision and Maintenance

Policy History:
- Adopted on: August 28, 2007
- Reviewed on:
- Revised on: April 14, 2009
Hardin Public Schools

PERSONNEL

Classified Employment and Assignment

Each classified employee will be employed under a written contract of a specified term, of a beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has satisfied the requisite probationary period of six months. During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Should the employee satisfy the probationary period, such employee shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee’s duties, assignment, supervisor, or grade.

The Board will determine salary and wages for classified personnel.

Legal Reference:

§ 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period

§ 39-2-912, MCA Exceptions to Wrongful Discharge from Employment Act

Hunter v. City of Great Falls (2002), 2002 MT 331

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: 02/14/2012
Assignments, Reassignments, Transfers

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified Staff

The District retains the right of assignment, reassignment, and transfer. Written notice of reassignment or involuntary transfer will be given to the employee. The staff member will be given opportunity to discuss the proposed transfer or reassignment with the Superintendent.

Teaching

Notice of their teaching assignments relative to grade level, building, and subject area will be given to teachers before the beginning of the school year. All District employees assigned extracurricular activities as a contract obligation must honor this obligation as a condition of employment unless released from this responsibility by the Board.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.

Legal Reference:

§ 20-4-402, MCA Duties of District Superintendent or County High School Principal
ARM 10.55.602 Definition of Internship
ARM 10.55.607 Internships

Policy History:
Adopted on: 
Reviewed on: 
Revised on: August 28, 2007, 4/8/14
Hardin Public Schools

PERSONNEL

Job-Sharing Staff Members

A job-sharing assignment is the sharing of one (1) full-time regular position between two (2) persons. The Superintendent shall be responsible for recommending to the Board those positions and persons where job-sharing would be beneficial to the District.

The Superintendent shall be responsible for establishing job-sharing procedures, including but not limited to duties, salaries, responsibilities, and benefits.

The District reserves the right to:

1. Determine the number, if any, of job-sharing positions with the District;
2. Require job-sharers to attend limited training seminars at one-half (½) normal compensation;
3. Abolish any job-sharing position;
4. Change a job-sharing position to a non-job-sharing position at the sole discretion of the District;
5. Deny any staff member’s request to change a job-sharing position to a non-job-sharing position or vice versa;
6. Require job-sharing staff members to work full-time in the event of the termination or resignation of one (1) of the job-sharing staff members or until such time as such staff member can be replaced according to the District’s satisfaction and sole discretion.

The job-sharers shall sign a job-sharing contract to be developed by the Superintendent. The contract shall identify those contingencies that may arise during the course of employment, such as but not limited to the absence or resignation of one of the job-sharers, the computation of employment benefits, and the responsibilities to participate in staff meetings and on committees. The purpose of such a contract is to resolve potential conflicts in an equitable fashion before they arise. Such conditions are not intended to discourage job sharing or impose disproportionate burdens upon job-sharing staff members.

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
Prohibition on Aiding Sexual Abuse

The district prohibits any employee, contractor or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;

2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;

3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546
Hardin Public Schools

PERSONNEL

Work Day

Length of Work Day - Certified Staff

The current collective bargaining agreement sets forth all conditions pertaining to the certified work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the principal or as stipulated in the agreement.

Length of Work Day - Classified Staff

The length of a work day for classified staff is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by an individual contract. Supervisors will establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

Legal Reference: 29 USC 201 to 219 Fair Labor Standards Act of 1985
29 CFR 516, et seq. FLSA Regulations
§ 39-3-405, MCA Overtime compensation
§ 39-4-107, MCA State and municipal governments, school districts, mines, mills, and smelters
10.65.103(2), ARM Program of Approved Pupil Instruction-Related Days
24.16.102, et seq., ARM Wages and Hours

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Evaluation of Non-Administrative Staff

Each non-administrative staff member’s job performance will be evaluated by the staff member’s direct supervisor. Non-tenured certified staff shall be evaluated, at a minimum, on at least an annual basis. Tenured certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement if applicable. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district’s mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator’s effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator’s duties.

The supervisor(s) for certified staff will hold a post-evaluation conference according to the current collective bargaining agreement. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Legal Reference: ARM 10.55.701(4)(a)(b) Board of Trustees

Policy History:
Adopted on: 
Reviewed on:
Revised on: August 28, 2007, 4/8/14
PERSONNEL

Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of District business.

In accordance with state law, an employee should not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee’s District duties. A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose the nature of the private interest which would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee’s duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee’s duties or learned as a result of the employee’s participation in a closed (executive) session of the Board. Discretion should be used even within the school system’s own network of communication.

Administrators and supervisors may set forth specific rules and regulations governing staff conduct on the job within a particular building.

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

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
The Board recognizes its employees’ rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. An employee elected to office is entitled to take a leave of absence without pay, in accordance with the provisions of § 2-18-620, MCA.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

Legal Reference: 5 USC 7321, et seq. Hatch Act
§ 2-18-620, MCA Mandatory leave of absence for employees holding public office – return requirements
§ 13-35-226, MCA Unlawful acts of employers and employees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Drug-Free Workplace

All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District, including employees possessing a “medical marijuana” card.
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is one that is:

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained; or
- Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.
The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: 41 USC 702, 703, 706 Drug Free Workplace Requirements

§ 50-46-205(2)(b), MCA Limitations of Medical Marijuana Act

Policy History:
Adopted on:
Reviewed on:
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.

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:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
PERSONNEL

Personnel Records

The District maintains a complete personnel record for every current and former employee. The employees’ personnel records will be maintained in the District’s administrative office, under the Superintendent’s direct supervision. Employees will be given access to their personnel records, in accordance with guidelines developed by the Superintendent.

In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. When specifically authorized by the Board, counsel retained by the Board or by the employee will also have access to a cumulative personnel file.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of District employees is governed by Policy 4340.

Personnel records must be kept for 10 years after termination.

Cross Reference: 4340 Public Access to District Records

Legal Reference: Admin. R. Mont. 10.55.701(5) Board of Trustees
No Child Left Behind Act of 2001, (Public Law 107-334)
§ 20-1-212(2), MCA Destruction of records by school officer.

Policy History:
Adopted on:
Reviewed on:
Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent 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:
Adopted on: August 28, 2007
Reviewed on:
Revised on: June 25, 2013
Hardin Public Schools

PERSONNEL

Resolution of Staff Complaints/Problem-Solving

As circumstances allow, the District will attempt to provide the best working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately by District supervisors or administration.

The District will endeavor to promote fair and honest treatment of all employees. Administrators and employees are all expected to treat each other with mutual respect. Each employee has the right to express his or her views concerning policies or practices to the administration in a businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and constructive criticism.

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District’s grievance procedure. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
Non-Renewal of Employment/Dismissal From Employment

The Board, after receiving the recommendations of the Superintendent, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable District policy.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: § 20-4-204, MCA Termination of tenure teacher services
§ 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination.
§ 20-4-207, MCA Dismissal of teacher under contract

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Resignations

The Board authorizes the Superintendent, or designee, to accept on its behalf resignations from any school district employee. The Superintendent, or designee, shall provide written acceptance of the resignation, including the date of acceptance, to the employee setting forth the effective date of the resignation.

Once the Superintendent, or designee, has accepted the resignation it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

Legal Reference:  

Policy History:
Adopted on: August 27, 2007
Reviewed on:
Revised on:
Hardin Public Schools

PERSONNEL

Retirement Programs for Employees

All District employees shall participate in retirement programs under the Federal Social Security Act and either the Teachers’ Retirement System or the Public Employees’ Retirement System in accordance with state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing prior to May 1 of that year.

Those employees intending to retire, who are not contractually obligated to complete the school year, should notify the Superintendent as early as possible and no less than thirty (30) days before their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

The District will contribute to the PERS whenever a classified employee is employed for more than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year. Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS coverage, at their option and in accordance with § 19-3-412, MCA.

Legal Reference:  
Title 19, Chapter 1, MCA  Social Security  
Title 19, Chapter 3, MCA  Public Employees’ Retirement System  
Title 19, Chapter 20, MCA  Teachers’ Retirement

Policy History:  
Adopted on:  
Reviewed on:  
Revised on:  August 28, 2007
Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or other legitimate reasons.

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor’s right to reprimand an employee and the Superintendent’s right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

The District’s restrictions on students who have brought to, or possess a firearm at, any setting that is under the control and supervision of the school district and a student who has been found to have possessed, used or transferred a weapon on school district property apply to all employees of the District pursuant to Policy 3311.

The Superintendent is authorized to immediately suspend a staff member.

Cross Reference: Policy 3311 Firearms and Weapons

Legal Reference: § 20-3-210, MCA Controversy appeals and hearings
§ 20-3-324, MCA Powers and duties
§ 20-4-207, MCA Dismissal of teacher under contract
§ 39-2-903, MCA Definitions

Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: September 14, 2010
Hardin Public Schools

PERSONNEL

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.


§10-1-1004, MCA Rights under federal law

§10-1-1005, MCA Prohibition against employment discrimination

§10-1-1006, MCA Entitlement to leave of absence

§10-1-1007, MCA Right to return to employment without loss of benefits – exceptions – definition

§10-1-1009, MCA Paid military leave for public employees

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Breastfeeding 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 will support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee’s child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District’s operations. Supervisors are encouraged to consider flexible schedules when accommodating employee’s needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee’s breast milk. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference: Title 39, Chapter 2, Part 2, MCA General Obligations of Employers

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
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 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

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 July 1 to June 30.

Coordination of Leave

Employees will be required to use appropriate paid leave while on FMLA leave. Workers’ compensation absences will (not) 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.
NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee’s employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight “Resources & Services” tab and click on “Required Postings”.

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  

Policy History:  
Adopted on: August 28, 2007
Reviewed on:
Revised on: June 24, 2008, 02/14/2012
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.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: October 27, 2009
Hardin Public Schools

PERSONNEL

Workers’ Compensation Benefits

All employees of the District are covered by workers’ compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;

2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;

3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer’s First Report of Occupational Injury or Disease; and

4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The administrator will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers’ compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers’ compensation benefits, on a case-by-case basis, in consultation with the Workers’ Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee’s physician to release pertinent medical information to the District or to a physician of the District’s choice, should an actual claim be filed against the Workers’ Compensation Division, which could result in additional fees being levied against the District.

Legal Reference: §§ 39-71-101, et seq., MCA  Workers’ Compensation Act

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Paraprofessionals

Paraprofessionals, 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 paraprofessionals will encompass a variety of tasks that may be inclusive of “limited instructional duties.”

Paraprofessionals are employed by the District mainly to assist the teacher. A paraprofessional 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.

It is the responsibility of each principal and teacher to provide adequate training for a paraprofessional. This training should take into account the unique situations in which a paraprofessional 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 paraprofessional to assist in reading, writing, and mathematics instruction.

The Superintendent shall develop and implement procedures for an annual evaluation of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child’s paraprofessionals, if applicable.


Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: 6/27/17
Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District’s policy mandating background checks.

Chaperones

The Superintendent may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day’s activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of district policy during the field trip or excursion, including during the hours following the end of the day’s activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own
transportation back home. Employees found to have violated these rules may be subject to
disciplinary action.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Employee use of Electronic Mail, Internet, and District Equipment

Electronic mail ("e-mail") is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

Because of the unique nature of e-mail/Internet, and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the e-mail or Internet systems for any purpose. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of district E-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail and Internet system, including but not limited to extreme network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an electronic mail or Internet message does not intend for the mail or Internet message to be forwarded, the sender should clearly mark the message "Do Not Forward".

In order to keep district electronic mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, the district retains the right to access stored records in cases where there is
reasonable cause to expect wrong-doing or misuse of the system, review, store and disclose all
information sent over the district electronic mail systems for any legally permissible reason,
including but not limited to determining whether the information is a public record, whether it
contains information discoverable in litigation and to access district information in the
employee's absence. E-mail/ Internet messages by employees may not necessarily reflect the
views of the District.

Except as provided herein, district employees are prohibited from accessing another employee's
electronic mail without the expressed consent of the employee. All district employees should be
aware that electronic mail messages can be retrieved even if they have been deleted and that
statements made in electronic mail communications can form the basis of various legal claims
against the individual author or the district.

Electronic mail sent or received by the district or the district’s employees may be considered a
public record subject to public disclosure or inspection. All district electronic mail and Internet
communications may be monitored.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: February 26, 2008, 02/14/2012
Payment of Wages Upon Termination

When a District employee separates from employment, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee’s work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty-(30)-day period.

Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from employment prior to payday – exceptions

Policy History:
Adopted on: June 9, 2009
Reviewed on:
Revised on: 02/14/2012, 6/12/2018
Hardin Public Schools

PERSONNEL

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.
Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.

2. Individuals have the right to request an amendment to their health record. The plan may deny an individual’s request under certain circumstances specified in the HIPAA Privacy Rule.

3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.

4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.

5. Safeguards are required to protect the privacy of health information.

6. Covered entities are required to issue a notice of privacy practices to their enrollees.

7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The District Clerk has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District’s policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District’s privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA’s privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan’s policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving
PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District’s privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District’s employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient’s written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient’s medical information with a third party (such as a spouse, parent, group health plan
The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan’s policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District’s group health plan’s policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan’s business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA’s privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee’s supervisor, manager, or superior to make employment-related decisions.
Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

District Clerk
Hardin Public Schools
Rt. 1, Box 1001
Hardin, MT 59034

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
HARDIN PUBLIC SCHOOLS

6000 SERIES
ADMINISTRATION

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The administrative staff’s primary functions are to manage the District and to facilitate the implementation of a quality educational program. It is the goal of the Board that the administrative organization:

1. Provide for efficient and responsible supervision, implementation, evaluation, and improvement of the instructional program, consistent with the policies established by the Board;

2. Provide effective and responsive communication with staff, students, parents, and other citizens; and

3. Foster staff initiative and rapport.

The District’s administrative organization will be designed so that all divisions and departments of the District are part of a single system guided by Board policies implemented through the Superintendent. Principals and other administrators are expected to administer their facilities in accordance with Board policy and the Superintendent’s rules and procedures.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Superintendent

Duties and Authorities

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 will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

Evaluation

At least annually the Board will evaluate the performance of the Superintendent, 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.

Legal Reference:
- § 20-4-402, MCA: Duties of district superintendent or county high school principal
- ARM 10.55.602: Definition of Internship
- ARM 10.55.607: Internships
- ARM 10.55.702: Licensure and Duties of District Administrator – District Superintendent

Policy History:
- Adopted on:
- Reviewed on:
- Revised on: August 28, 2007, 4/8/14
Hardin Public Schools

ADMINISTRATION

District Organization

The Superintendent shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed, except in unusual circumstances.

The organization of District positions of employment for purposes of supervision, services, leadership, administration of Board policy, and all other operational tasks shall be on a “line and staff” basis. District personnel occupying these positions of employment shall carry out their duties and responsibilities on the basis of line and staff organization.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Delegation of Authority

Unless otherwise specified, the Superintendent has the authority to designate a staff member to serve in an official capacity for the implementation of District policies or as his/her personal representative. This authorization will include those responsibilities appropriate for the position as designated or directed by the Superintendent.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Assignment and Transfer of Administrative Staff

Administrative staff are responsible to the Board through the Superintendent. The assignment of administrative staff shall be in accordance with the organizational chart of the District. The Board shall approve the initial assignment of administrative staff at the time of employment and when such assignments involve a transfer from one building to another.

Subject to the approval of the Board, 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, and the impact on other facets of the District’s operations.

Administrative staff members shall be informed of their assignments no later than June 15 except that nothing in this policy shall prevent the Superintendent from reassigning an administrative staff member for good cause during the school year.

Any tenured certified staff member who is being transferred at the expiration of his/her employment contract to any administrative or non-administrative position for which the annual compensation is less than the position currently held by the administrator shall be notified in writing before April 1.

Legal Reference: § 20-4-203, MCA Teacher Tenure
§ 20-4-204, MCA Termination of tenure teacher services
10.55.203 (2), ARM District Superintendent

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
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.

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.

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:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
Employment Restrictions for Administrative Personnel

The Superintendent must give prior approval for time taken by administrators from the regularly assigned work schedules, for such paid activities as consulting, college teaching, lecturing, etc.

The amount of time lost to the District will be, but is not restricted to being: deducted from vacation time; granted as additional personal leave as specified by a written contract; or prorated to a dollar amount to be deducted in the next regularly scheduled pay period.

Time taken from the regularly assigned work schedule for non-paid activities shall follow the format established above.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Principals

Principals are the chief administrators of their assigned schools and are responsible for the day-to-day operation of their building. The primary responsibility of Principals is the development and improvement of instruction. The majority of the Principals’ time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school’s budget, and communication between the school and the community. Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b).

Legal Reference:
- § 20-4-403, MCA Powers and duties of principal
- 10.55.701, ARM Board of Trustees
- 10.55.703, ARM Licensure and Duties of School Principal

Policy History:
- Adopted on:
- Reviewed on:
- Revised on: August 28, 2007, 4/8/14
Evaluation of Administrative Staff

Each administrator will be evaluated annually, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent 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:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the District’s needs. Each year the Superintendent should develop an administrative in-service program based on 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:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
HARDIN PUBLIC SCHOOLS

7000 SERIES
FINANCIAL MANAGEMENT

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Because educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state, and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the intended purposes.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the District must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of District management and operation.

The Board seeks to achieve the following goals in the District’s fiscal management:

1. Engage in advance planning, with staff and community involvement, to develop budgets which will achieve the greatest educational returns in relation to dollars expended.

2. Establish levels of funding which shall provide superior education for District students.

3. Provide timely and appropriate information to staff who have fiscal responsibilities.

4. Establish efficient procedures in all areas of fiscal management.

Legal Reference: Title 20, Chapter 9, MCA Finance

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Tuition

Whenever a nonresident student is to be enrolled in the District, either by choice or by placement, an attendance agreement must be filed with the Board. Terms of the agreement must include tuition rate, the party responsible for paying tuition and the schedule of payment, transportation charges, if any, and the party responsible for paying transportation costs.

Tuition rates shall be determined annually, consistent with Montana law and approved by the Board.

Legal Reference:
- § 20-5-314, MCA Reciprocal attendance agreement with adjoining state or province
- § 20-5-320, MCA Attendance with discretionary approval
- § 20-5-321, MCA Attendance with mandatory approval – tuition and transportation
- § 20-5-322, MCA Residency determination – notification – appeal for attendance agreement
- § 20-5-323, MCA Tuition and transportation rates
- 10.10.301, ARM Calculating Tuition Rates

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
The annual budget is evidence of the Board’s commitment to the objectives of the instruction programs. The budget supports immediate and long-range goals and established priorities within all areas – instructional, noninstructional, and administrative programs.

Before presentation of a proposed budget for adoption, the Superintendent and business manager will prepare, for the Board’s consideration, recommendations (with supporting documentation) designed to meet the needs of students, within the limits of anticipated revenues.

Program planning and budget development will provide for staff participation and the sharing of information with patrons before any action by the Board.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Budget Adjustments

When any budgeted fund line item is in excess of the amount required, the Board may transfer any of the excess appropriation to another line item(s) within the same fund.

The Board authorizes the administration to transfer line items within the same budgeted fund to adjust line item overdrafts or to meet special line item needs. Line item budget transfers to adjust line item overdrafts are at the discretion of the administrators.

Total budget expenditures for each fund as adopted in the final budget shall constitute the appropriations of the District for the ensuing fiscal year. The Board will be limited in the incurring of expenditures to the total of such appropriations.

With timely notice of a public meeting, trustees, by majority vote of those present, may declare by resolution that a budget amendment (in addition to the final budget) is necessary. Budget amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution will state the facts of the budget amendment, the estimated amount of funds needed, and the time and place the Board will meet for the purpose of considering and adopting a budget amendment.

The meeting to adopt a budget amendment will be open and will provide opportunity for any taxpayer to appear and be heard. Budget procedures will be consistent with statutory requirements. When applicable, the District will apply for state financial aid to supplement the amount to be collected from local taxes.

Legal Reference: § 20-9-133, MCA Adoption and expenditure limitations of final budget
§ 20-9-161, MCA Definition of budget amendment for budgeting purposes
§ 20-9-162, MCA Authorization for budget amendment adoption
§ 20-9-163, MCA Resolution for budget amendment – petition to superintendent of public instruction
§ 20-9-164, MCA Notice of budget amendment resolution
§ 20-9-165, MCA Budget amendment limitation, preparation, and adoption procedures
§ 20-9-166, MCA State financial aid for budget amendments
§ 20-9-208, MCA Transfers among appropriation items of fund – transfers from fund to fund

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Revenues

The District will seek and utilize all available sources of revenue for financing its educational programs, including revenues from non-tax, local, state, and federal sources. The District will properly credit all revenues received to appropriate funds and accounts as specified by federal and state statutes and accounting and reporting regulations for Montana school districts.

The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly. The District will make an effort to collect all revenues due from all sources, including but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

Legal Reference: Title 20, Chapter 9, MCA Finance
Title 10, Chapter 10, ARM GASB, Codification of Governmental Accounting and Financial Reporting Standards

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Federal Impact Funds

It is the intent of the District that all American Indian children of school age have equal access to all programs, services, and activities offered in the District. It is also the intent of the District to fully comply with the requirements of Title VIII (Impact Aid Program) of the Elementary and Secondary Education Act and regulations relating thereto. To that end, the District shall:

1. Provide tribal officials and parents of Indian children an opportunity to comment on the participation of Indian children on an equal basis in all programs and activities offered by the District;

2. Annually assess the extent to which Indian students are participating on an equal basis in the educational programs and activities of the District;

3. If and when necessary, modify its educational programs to ensure that Indian children participate on an equal basis with non-Indian children served by the District;

4. Disseminate annually the following materials to tribal officials and Indian parents:
   - Title VIII application;
   - Evaluation of programs assisted with Title VIII funds;
   - Program plans and information related to the education programs of the District.

   Such materials will be provided to tribal officials and parents of Indian children in sufficient time to allow tribal officials and parents of Indian children an opportunity to review the materials and make recommendations on the needs of Indian children and provide input on how the District might help those children realize the benefits of the District’s educational programs and activities.

5. Solicit information from tribal officials and parents of Indian children on Indian views, including information on the frequency, location, and time of meetings;

6. Notify tribal officials and parents of Indian children of the locations and times of meetings;

7. Consult and involve tribal officials and parents of Indian children in the planning and development of the District’s educational programs and activities;

8. Modify its Indian policies and procedures, if and when necessary, based upon the results of the assessments referenced below.
Assessments

Tribal officials and parents of Indian children are encouraged to assess the effectiveness of their input regarding the participation of Indian children in the District’s educational programs and activities and the development and implementation of the District’s Indian policies and procedures and share the results of such assessment with the District.

34 CFR 222.94 What provisions must be included in a local educational agency’s Indian policies and procedures?

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Rental or Lease of District Property

When real property of the District is not needed, the Board has the authority to rent or lease any surplus real property. Such property shall be rented or leased for lawful purposes. The rental or lease shall be in the best interests of the District and shall not interfere with the conduct of the District’s educational program and related activities. Proceeds from rental or lease of District property, which are in excess of the operational costs incurred for such rental or lease, shall be deposited in such funds as the Board considers appropriate.

Cross Reference: 4330 Use of School Facilities

Legal Reference: § 20-6-607, MCA Leasing district property and disposition of any rentals
§ 82-10-200, MCA Lease of local government land

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Disposal of School District Property Without a Vote

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, that is or is about to become abandoned, obsolete, undesirable, or unsuitable for school purposes.

To effect proper disposal, the trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen (14) days after the resolution is published in a newspaper of general circulation in the District.

Should any taxpayer properly protest the resolution during the fourteen (14) days after the date of publication, the trustees shall submit testimony to the court with jurisdiction.

Once the resolution is effective, or if appealed the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the District. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building, or any other appropriate fund.

Legal Reference: § 20-6-604, MCA Sale of property when resolution passed after hearing – appeal procedure

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Endowments, Gifts, and Investments

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor. Endowments received by the District will be deposited to an endowment fund as an expendable or nonexpendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate. Unless conditions of an endowment instrument require immediate disbursement, the Board will invest money deposited in the endowment fund 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 received and accepted by the District.

Once accepted, donated funds are public funds subject to state law. Donated funds may not be transferred to a private entity. Benefactors may not adjust or add terms or conditions to donated funds after the donation has been accepted.

The Board directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the District. Funds not needed for current obligations may be invested in investment options as set out in Montana statutes, whenever it is deemed advantageous for the District to do so.

Educational Foundations may exist in the community, but are not managed, directed, or approved by the Board of Trustees.

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:
Reviewed on:
Revised on: August 28, 2007, 6/12/2018
Budget Implementation and Execution

Once adopted by the Board, the operating budget shall be administered by the Superintendent’s designees. All actions of the Superintendent/designees in executing programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for employment and assignment of staff shall meet legal requirements of the state of Montana and adopted Board policies.

2. Funds held for contingencies may not be expended without Board approval.

3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month.

4. Purchases will be made according to the legal requirements of the state of Montana and adopted Board policy.

Legal Reference: § 20-3-332, MCA Personal immunity and liability of trustees
§ 20-9-213, MCA Duties of trustees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Page 1 of 2

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 $25,000, 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 it is in the interest of the District, the District will execute a contract for any building furnishing, repairing, purchasing or other work for the benefit of the District. If the sum of the contract or work 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 as per § 18-4-307, MCA as stated below in the legal reference. 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 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 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
§ 18-4-307, MCA Cancellation of invitations for bids or requests for proposals
§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids - exceptions
§ 20-10-110, MCA School Bus Purchases – contracts- bids

Debcon v. City of Glasgow, 305 Mont. 391 (2001)

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, July 12, 2011, June 25, 2013, 6/12/2018
Hardin Public Schools

FINANCIAL MANAGEMENT

Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget appropriations applicable to payment, and required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with authority, responsibility, and control over budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office is responsible for developing procedures and forms to be used in the requisition, purchase, and payment of claims.

Policy History:
Adopted on:
Reviewed on:
Revised on:  August 28, 2007
Hardin Public Schools

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 duty day) (July 1)\(^1\) 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 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 pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

Cross Reference: BP 5500 Payment of Wages upon Termination

Legal Reference: Section 409A, Internal Revenue Code, Deferred Compensation

Policy History:
Adopted on: February 26, 2008
Reviewed on:
Revised on:

\(^1\)—District must choose between the first duty day of the deferral year or July 1 of the deferral year.
FINANCIAL MANAGEMENT

Personal Reimbursements

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the District;
2. The purchase was made with the prior approval of an authorized administrator;
3. The item purchased was not available from District resources; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Travel Allowances and Expenses

The District will reimburse employees and trustees 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 is responsible for 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: August 28, 2007
Reviewed on:
Revised on:
The Board of Trustees permits the use of District credit cards by certain school officials and
Board members to pay for actual and necessary expenses incurred in the performance of work-
related duties for the District. A list of those individuals that will be issued a District credit card
will be maintained in the business office and reported to the Board each year at a meeting in
January. All credit cards will be pre-approved by the Board and will be in the name of the
District.

Credit cards may only be used for legitimate District business expenditures. The use of credit
cards is not intended to circumvent the District’s policy on purchasing.

Users must take proper care of District credit cards and take all reasonable precautions against
damage, loss, or theft. Any damage, loss, or theft must immediately be reported to the business
office and to the appropriate financial institution. Failure to take proper care of credit cards or
failure to report damage, loss, or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or
violate the intent of this policy may result in credit card revocation and discipline of the
employee.

Users must submit detailed documentation, including itemized receipts for commodities,
services, travel, and/or other actual and necessary expenses which have been incurred in
connection with school-related business for which the credit card has been used.

The Superintendent shall establish regulations governing the issuance and use of credit cards.
Each cardholder shall be apprised of the procedures governing the use of the credit card, and a
copy of this policy and accompanying regulations shall be given to each cardholder.

The Business Manager/Clerk shall monitor the use of each credit card every month and report
any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross Reference: 7320 7335 7336
Purchasing  Personal Reimbursement  Travel Allowances and Expenses

Legal Reference: §2-7-503, MCA
Financial reports and audits of local government

Policy History: Adopted on: August 28, 2007
Reviewed on:
Revised on:
Procurement Card Use

The Board of Trustees permits the use of procurement cards for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those individuals that will be issued a District procurement card will be maintained in the business office and reported to the Board each year at its meeting in October.

Procurement cards may only be used for legitimate District business expenditures. The use of procurement cards is not intended to circumvent the District’s policy on purchasing.

Users must take proper care of District credit cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must immediately be reported to the business office and to the appropriate financial institution. Failure to take proper care of credit cards or failure to report damage, loss, or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or violate the intent of this policy may result in procurement card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel, and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the procurement card has been used.

The Superintendent shall establish regulations governing the issuance and use of procurement cards. Each cardholder shall be apprised of the procedures governing the use of the procurement card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Business Manager and Accounts Payable Clerk shall monitor the use of each procurement card every month and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross Reference: 7320 Purchasing 7335 Personal Reimbursement 7336 Travel Allowances and Expenses

Legal Reference: §2-7-503, MCA Financial reports and audits of local government entities

Policy History:
Adopted on: 01/26/2016
Reviewed on:
Revised on:
The accounts of the District are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for by providing a separate set of self-balancing accounts. The accounts of the District are maintained on the modified accrual basis of accounting. The following funds are maintained by the District:

**High School**
- General Fund
- Transportation Fund
- Bus Depreciation Fund
- Tuition Fund
- Retirement Fund
- Miscellaneous Federal Funds
- Adult Education Fund
- Sick Leave Reserve Fund
- Impact Aid Fund
- Technology Fund
- Flex Fund
- Debt Service Fund
- Building Reserve Fund
- Liability Insurance Reserve Fund
- General Fixed Asset Fund
- General Long Term Debt Fund
- Traffic Education Fund
- HCAC Fund
- Student Activities Fund
- Payroll Fund
- Claims Fund

**Elementary**
- General Fund
- Transportation Fund
- Bus Depreciation Fund
- Tuition Fund
- Retirement Fund
- Miscellaneous Federal Funds
- Adult Education Fund
- Sick Leave Reserve Fund
- Impact Aid Fund
- Technology Fund
- Flex Fund
- Debt Service Fund
- Building Reserve Fund
- Liability Insurance Reserve Fund
- General Fixed Asset Fund
- General Long Term Debt Fund
- Food Services Fund
- Lease-Rental Fund
- Health Insurance Reserve Fund
- Endowment/Scholarship Fund
- Interlocal Agreement Fund

Legal Reference: § 20-9-201, MCA Definitions and application

Policy History:
- Adopted on:
- Reviewed on:
- Revised on: August 28, 2007
Extra- and Co-Curricular Funds

The Board is responsible for establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check, in a bank account maintained by the District for student extra- and co-curricular funds. The use of the student extra- and co-curricular funds is limited to the benefit of the students. Students will be involved in the decision-making process related to use of the funds.

The Board shall follow the *Student Activity Fund Accounting* (published by the Montana Association of School Business Officials (MASBO)) in establishing accounting procedures for administration of student extra- and co-curricular funds and will appoint a fund administrator.

Specific procedures are available in the Clerk’s office.

Legal Reference: § 2-7-503, MCA Financial reports and audits of local government entities  
§ 20-9-504, MCA Extracurricular fund for pupil functions

Policy History:  
Adopted on:  
Reviewed on:  
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Financial Reporting and Audits

The Board directs that financial reports of all District funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. Financial reports shall reflect financial activity and status of District funds.

Appropriate interim financial statements and reports of financial position, operating results, and other pertinent information will be prepared to facilitate management and control of financial operations.

The Board directs that District audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the District and District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every two (2) years and cover the immediately preceding two (2) fiscal years, or it may be conducted annually.

Legal Reference: §§ 2-7-501, et seq., MCA Audits of Political Subdivisions
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213, MCA Duties of trustees

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT

Property Records

Property and inventory records will be maintained for all land, buildings, and physical property under District control and will be updated annually.

For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The Superintendent will ensure inventories of equipment are systematically and accurately recorded and updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing basis. No equipment will be removed for personal or non-school use except in accordance with Board policy.

Property records will show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag providing appropriate District and equipment identification.

Cross Reference: 7510 Capitalization Policy for Fixed Assets

Legal Reference: § 20-6-602, MCA Trustees’ power over property
§ 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Adopted on: 
Reviewed on: 
Revised on: August 28, 2007
Hardin Public Schools

FINANCIAL MANAGEMENT 7510

Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all the following requirements:

1. Must be tangible in nature;
2. Must have a useful life of longer than the current fiscal year; and
3. Must be of significant value.

Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset value for a donation will be the fair market value at the time of donation. The asset value for purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the cost of materials used and the cost of labor involved in construction of the asset.

The following significant values will be used for different classes of assets:

<table>
<thead>
<tr>
<th>Class of Fixed Asset</th>
<th>Significant Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and machinery</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Buildings - improvements</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Improvements other than to buildings</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Land</td>
<td>Any amount</td>
</tr>
</tbody>
</table>

Cross Reference: 7500 Property Records

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
I. PURPOSE

The fund balance policy establishes a framework for the management of all excess funds managed by the Hardin School District. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

II. SCOPE

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the Hardin School District, Hardin, Montana. These funds are accounted for in the District’s annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

III. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

IV. DEFINITIONS

A. Fund balance---means the arithmetic difference between the assets and liabilities reported in a school district fund.

B. Committed fund balance—amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint

C. Assigned fund balance—amounts a school district intends to use for a specific purpose; intent can be expressed by the District or by an official to which the Board of Trustees delegates the authority

D. Nonspendable fund balance—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)
E. **Restricted fund balance**—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

F. **Unassigned fund balance**—amounts that are available for any purpose; these amounts are reported only in the general fund.

**V. MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned general fund balance of 10 percent of the annual budget (0.83% months of operating expenses).

**VI. ORDER OF RESOURCE USE**

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

**VII. COMMITTING FUND BALANCE**

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

**VIII. ASSIGNING FUND BALANCE**

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the Superintendent and Business Manager. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year’s budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

**X. REVIEW**

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

**Legal References**: Statement No. 54 of the Governmental Accounting Standards Board

**Policy History**:  
Adopted on: 7/12/2011  
Reviewed on:  
Revised on:
Independent Investment Accounts

The Board may establish independent investment accounts separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into an independent investment account from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal and any interest earned must be reallocated to the fund from which the deposit was originally made.

The District may either:

1. Establish and use the account as a non-spending account, returning sufficient funds to the county treasurer in time to pay all claims against the applicable fund; or

2. Establish a subsidiary checking account and make expenditures from the investment account, provided all transactions are accounted for and reported, as required by applicable accounting principles. If the District desires to establish a subsidiary checking account for purposes of paying for expenditures directly from an investment account, the District must enter into a written agreement with the county treasurer, in accordance with § 20-9-235, MCA.

Legal Reference: § 20-9-235, MCA Authorization for school district investment account

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Procurement of Supplies or Services

The Board adopts the following provisions of the Montana Procurement Act (i.e., §§ 18-4-101, et seq., MCA):

1. § 18-4-303, MCA – Competitive sealed bidding. With the exception of construction contracts, allows the District to negotiate an adjustment of the bid price with the lowest responsible bidder in order to bring the bid within the amount of available funds, if, and only if, all bids exceed available funds and the lowest responsible bid does not exceed available funds by more than five percent (5%).

2. § 18-4-306, MCA – Sole source procurement. A contract may be awarded for a supply or service item without competition when, the District determines in writing that:
   (a) there is only one source for the supply or service item;
   (b) only one source is acceptable or suitable for the supply or service item; or
   (c) the supply or service item must be compatible with current supplies or services.

3. § 18-4-307, MCA - Cancellation of invitations for bids or requests for proposals. An invitation for bids, a request for proposals, or other solicitation may be cancelled or any or all bids or proposals may be rejected in whole or in part, as may be specified in the solicitation, when it is in the best interests of the state. The reasons therefor must be made part of the contract file.

Legal Reference: § 18-4-121, et seq., MCA Montana Procurement Act
§ 18-4-303, MCA Competitive Sealed Bidding
§ 18-4-306, MCA Sole Source Procurement--records
§ 18-4-307, MCA Cancellation of invitations for bids or requests for proposals
2.5.604, ARM Sole Source Procurement

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: February 23, 2010, 6/12/2018
FINANCIAL MANAGEMENT

Tax Exempt, Direct Pay Build America, Qualified Zone Academy, and Qualified School Construction Bonds

I. Purpose

To ensure (1) that interest on tax-exempt bonds of the Issuer (or “TEBs”) remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); (2) that bonds, the interest on which would otherwise be excludable from gross income under Section 103 of Code, intended to be issued as Build America Bonds (Direct Payment) under Section 54AA of the Code (or “BABs”) will be qualified, and will continue to be qualified, as such, with the result that the Issuer shall be entitled to the credit provided in Section 6431 of the Code; and (3) that bonds, the interest on which would otherwise be excludable from gross income under Section 103 of Code, intended to be issued as Qualified Zone Academy Bonds under Section 54E of the Code (or “QZABs”) or Qualified School Construction Bonds under Section 54F of the Code (or “QSCBs”), will be qualified, and will continue to be qualified, as such, with the result that either: (i) the Issuer shall be entitled to a credit, as provided in Section 6431 of the Code, or (ii) the purchaser of the bonds is entitled to a federal income tax credit at a rate determined pursuant to Section 54A of the Code.

These written procedures are intended to memorialize certain policies and practices of the Issuer previously adopted or followed by the Issuer in connection with its issuance of TEBs, BABs, QZABs and QSCBs (collectively, “Bonds”).

The Issuer’s policy for compliance is as follows:

II. BAB/QZAB/QSCB Designations & Elections

A. A BAB “Bond Resolution” (which term shall hereinafter include a Bond Indenture, where applicable), or a certificate of an authorized officer of the Issuer dated and executed not later than the date of issue of the BABs, shall irrevocably designate the BABs as such and irrevocably elect to have Section 54AA(g) of the Code apply to the BABs.

B. A QZAB Bond Resolution, or a certificate of an authorized officer of the Issuer dated and executed not later than the date of issue of the QZABs, shall, within the bond limitation allocated to the Issuer under Section 54E(c) of the Code, (a) irrevocably designate the QZABs as such and irrevocably elect to have Section 54E of the Code apply to the QZABs, and (b) represent or find that it has written assurances that the private business contribution requirement of Section 54E(b) will be met, that it is an eligible local education agency, that the school facilities at which the Project will be undertaken constitute a qualified zone academy, that a comprehensive education plan has been designed, and, unless a project is located in a federally-designated empowerment...
zone or renewal community as of the date of enactment of the American Recovery and
Reinvestment Act of 2009 (the “Act”), that for the required period at least 35% of the students
attending the financed facilities will be eligible for free or reduced-cost lunches under the
National School Lunch Act. In the Bond Resolution, the Issuer shall irrevocably elect whether to
receive federal payments under Section 6431 of the Code, or whether the Bonds shall provide
individual federal income tax credits for bondholders under Section 54A of the Code.

C. A QSCB Bond Resolution, or a certificate of an authorized officer of the Issuer dated and
executed not later than the date of issue of the QSCBs, shall, within the bond limitation allocated
to the Issuer under Section 54F(d) of the Code, irrevocably designate the QSCBs as such, and
irrevocably elect to have Section 54F of the Code apply to the QSCBs. In the Bond Resolution,
the Issuer shall irrevocably elect whether to receive federal payments under Section 6431 of the
Code, or whether the Bonds shall provide individual federal income tax credits for bondholders
under Section 54A of the Code.

D. Where the federal tax credit is pledged to pay principal of and interest on BABs, QZABs or
QSCBs, the Issuer shall, by the Bond Resolution, covenant and agree with the registered owners
from time to time of the BABs/QZABs/QSCBs that it will not take or permit to be taken by any
of its officers, employees or agents, any action which would cause the BABs/QZABs/QSCBs to
lose their status as such under the Code and applicable Treasury Regulations, and shall covenant
to take any and all actions within the Issuer’s powers to ensure that the BABs/QZABs/QSCBs
will remain such under the Code and Treasury Regulations.

E. In an Official Statement for BABs/QZABs/QSCBs, as applicable, the Issuer shall state that (a)
interest on the BABs/QZABs/QSCBs is includible in gross income for federal income tax
purposes (or they are “taxable”), (b) the BABs and, in the event that federal direct payments to
the Issuer are elected, the QZABs/QSCBs are “direct payment,” and (c) holders of the BABs,
and, in the event that federal direct payments to the Issuer are elected, holders of the
QZABs/QSCBs, are not entitled to a tax credit as a result of ownership such bonds.

III. BABs/QZABs/QSCBs De Minimis Premium and Bond Yield Calculation

A. Each Notice/Terms of Sale distributed for BABs and, in the event that federal direct payments
to the Issuer are elected, for QZABs/QSCBs, shall clearly state that (i) the expected reoffering
price of such BABs/QZABs/QSCBs must be specified for each maturity, (ii) each such
reoffering price cannot exceed the par amount of the maturity by more than 0.25% multiplied by
the number of complete years to the earlier of the maturity date or the first optional redemption
date for the maturity of such BABs/QZABs/QSCBs, and (iii) in the initial offering, no such
BABs/QZABs/QSCBs may be sold for a price in excess of such limit unless the Internal
Revenue Service provides authoritative guidance to the contrary.

B. Each Notice/Terms of Sale distributed for BABs and, in the event that federal direct payments
to the Issuer are elected, for QZABs/QSCBs, shall include a table listing the maximum permitted
reoffering price for each maturity of such BABs/QZABs/QSCBs.
C. Prior to acceptance of a proposal for the purchase of BABs and, in the event that federal direct payments to the Issuer are elected, of QZABs/QSCBs, the Business Manager shall be responsible for computations to verify that the expected reoffering price, as certified by the purchaser, does not exceed the par amount of the maturity by more than 0.25% multiplied by the number of complete years to the earlier of the maturity date or the first optional redemption date for the maturity of such BABs/QZABs/QSCBs, which computation shall be confirmed by the Issuer’s financial advisor.

D. The Certificate of Purchaser shall include certifications that: (a) the Bonds of each maturity were initially reoffered to the public at the prices shown therein or in the final Official Statement and (b) as of the date of sale of the Bonds, the purchaser reasonably expected that at least 10% of each maturity of the Bonds would be sold to members of the public (other than bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) at said public offering prices.

E. The Certificate of Purchaser shall provide a certification that, as of the date of issue of the Bonds, the purchaser has actually sold at least 10% of each maturity of the Bonds to members of the public at the public offering prices expected as of the date of sale; provided, however, that if the purchaser cannot provide this certification, the Issuer’s financial advisor or bond counsel shall inquire as to the circumstances preventing sales at such prices and, for negotiated sales, the purchaser may be required to put an explanation in writing.

F. The Issuer’s Tax Certificate for BABs/QZABs/QSCBs shall certify that the “issue price” of the BABs/QZABs/QSCBs is the initial reoffering price of the BABs/QZABs/QSCBs to the public, and as shown in the Certificate of Purchaser, the issue price of the BABs and, in the event that federal direct payments to the Issuer are elected, of the QZABs/QSCBs, does not include more than a de minimis amount of premium.

G. The Business Manager shall take reasonable steps as necessary to enable records of secondary market trading activity for Issuer Bonds to be available through the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System (“EMMA”).

H. The Business Manager or the Issuer’s financial advisor shall review records available through EMMA (or through other readily accessible and available sources) of the secondary market trading activity for Bonds between the sale date and the date of issue of the Bonds to determine if there is reason to question the reasonableness of the expectations of the purchaser as of the date of sale of the Bonds.

I. Financial advisors shall be advised that the yield on BABs and, in the event that federal direct payments to the Issuer are elected, on QZABs/QSCBs, is to be computed in accordance with Section 148 of the Code and reduced as required by Section 6431(c) of the Code to reflect the federal credit allowed to the Issuer.
J. Financial advisors shall certify to the Issuer that the offer accepted by the Issuer for the purchase of Bonds is a reasonable offer under customary standards applicable in the municipal bond market for similar bonds and that, based upon their review of publicly available information relating to secondary market trades of the Bonds between the date of sale and the date of pre-closing and their knowledge of the conditions generally prevailing in the municipal bond market between such dates, nothing has come to their attention that would lead them to question the representations of the purchaser contained in the Certificate of Purchaser.

IV. Expenditure/Use of Bond Proceeds

A. Expenditure of Bond proceeds will be reviewed by the Superintendent.

B. All requisitions of Bond proceeds shall be submitted to the Business Manager and such requisitions must identify the financed property in conformity with the Issuer’s Tax Certificate executed at closing of the Bonds, including certifications as to the character and average economic life of the Bond-financed property.

C. None of the proceeds of the Bonds will be used to reimburse the Issuer for costs of a capital project paid prior to the date of issuance of the BABs unless the Issuer shall have fully complied with the provisions of Section 1.150-2 of the Treasury Regulations, and for BABs/QZABs/QSCBs, the Act, with respect to such reimbursed amounts.

D. “Available Project Proceeds” for a BABs/QZABs/QSCBs issue shall be calculated as (a) the excess of the proceeds from the sale of the issue, over the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and (b) the proceeds from any investment of the excess described in (a).

E. The amount of sale proceeds applied to finance issuance costs of the BABs/QZABs/QSCBs shall not in any case exceed 2% of the sale proceeds of the BABs/QZABs/QSCBs.

F. 100% of the Available Project Proceeds for a BAB issue, less an amount in a reasonably required reserve fund (within the meaning of Section 150(a)(3) of the Code) with respect to such issue, will be used for capital expenditures. No portion of any proceeds will be used for working capital.

G. 100% of the Available Project Proceeds for a QSCB issue will be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue.

H. 100% of the Available Project Proceeds for a QZAB will be used for rehabilitating or repairing the public school facility in which the academy is established. No portion of any proceeds will be used for new construction or land acquisition.
I. The Issuer shall acknowledge in its Tax Certificate that a failure to use proceeds of the BABs/QZABs/QSCBs for purposes specified in such certificate may result in the retroactive loss of the federal tax credit that the Issuer or bondholder, as applicable, otherwise would be entitled to receive.

J. Requisitions will be summarized in a “final allocation” of Bond proceeds to uses not later than 18 months after the in-service date of the Bond-financed property (and in any event not later than 5 years and 60 days after the issuance of the Bonds or not later than 60 days after earlier retirement of issue) in a manner consistent with allocations made to determine compliance with arbitrage yield restriction and rebate requirements.

K. Expenditure of proceeds of the TEBs will be measured against the Issuer’s Tax Certificate expectation to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the capital project and fully spend the net sale and investment proceeds. In the case of QZABs/QSCBs, 100% of the Available Project Proceeds must be spent within three years from the date of issuance and the Issuer must also enter into a binding commitment with a third party to spend at least 10% of the available project proceeds within six months of the date of issuance.

L. If there are any TEB proceeds remaining in the Construction Account established pursuant to the Bond Resolution after completion of the project, such proceeds shall be transferred to the Debt Service Account securing the TEBs.

M. If there are any BAB/QZAB/QSCB proceeds remaining in the Construction Account established pursuant to the Bond Resolution after completion of the project that has not been applied to capital expenditures, the Superintendent shall consult with bond counsel.

N. The Issuer’s Tax Certificate for BABs and, in the event that federal direct payments to the Issuer are elected, for QZABs/QSCBs shall provide, and the Business Manager shall ensure, if the credit is deposited in the Debt Service Account created by the Bond Resolution, that such BABs/QZABs/QSCBs proceeds deposited in the Debt Service Account shall be applied to the payment of the portion of the interest due on such BABs/QZABs/QSCBs that is not paid by the IRS on the first interest payment date.

V. Use of Bond-Financed Property

A. Use of Bond-financed property when completed and placed in service will be reviewed by the Business Manager. Appropriate department/facility managers shall be advised in writing concerning restrictions on the use of the proceeds and the facilities financed thereby and instructed to consult with bond counsel regarding any third-party contract concerning use of the facilities, including without limitation leases, use, management or service contracts, and research contracts.
B. Upon issuance of Bonds, there shall be no expectation that the Bond-financed property will be sold or otherwise disposed of by the Issuer during the term of the Bonds.

C. Agreements with business users for lease, use, management, or any other service with respect to, or non-governmental use of, Bond-financed property will be reviewed prior to execution for compliance with the Code. Such agreement will be approved by bond counsel, who will be responsible for determining whether the proposed agreement (1) results in private business use of the facilities, and (2) if applicable, meets the compensation, term and other requirements under Revenue Procedures 97-13 and 2007-47; all upon advice of bond counsel, as necessary.

D. No item of Bond-financed property will be sold or transferred by the Issuer without approval of the Superintendent upon advice of bond counsel or advance arrangement of a “remedial action” under the applicable Treasury Regulations.

VI. Investments

A. Investment of Bond proceeds in compliance with the arbitrage and rebate requirements of the Code and applicable Treasury Regulations will be supervised by the Business Manager.

B. At closing, the Issuer will consult with the purchaser or financial advisor to the Issuer as to an estimate of the reasonably expected investment earnings on the sale proceeds of the BABs/QZABs/QSCBs, and such estimate shall be included in the Issuer’s Tax Certificate.

C. Investment of the gross proceeds of BABs/QZABs/QSCBs prior to expenditure thereof and of moneys from time to time on hand in a sinking fund for the payment of BABs/QZABs/QSCBs will be made only as permitted by the Bond Resolution and Tax Certificate (and, if applicable, a custodial agreement for the sinking fund for the payment of QZABs/QSCBs), and all investments will be purchased only at fair market value, as determined under applicable Treasury Regulations. Deposits to the sinking fund for the payment of QZABs/QSCBs in each year will be reviewed by the Business Manager to assure that the funding of the sinking fund complies with the requirements of the Bond Resolution, Tax Certificate and any custodial agreement.

D. Guaranteed investment contracts (“GICs”) will be purchased only according to the fair market value provisions of applicable Treasury Regulations, including bid requirements and fee limitations. Certificates of deposit (“CDs”) will be purchased only according to the fair market value provisions of applicable Treasury Regulations.

E. Calculations of rebate liability will be performed by outside consultants and reviewed by the Business Manager of the Issuer. Such calculations shall be made annually on or before the anniversary of the date of issue of the Bonds and prior to each 5 year anniversary of the date of issue of the Bonds.

F. Upon final expenditure of the gross proceeds of Bonds, and in any event promptly following the fifth anniversary of the date of issuance of the Bonds or earlier retirement of the
Bonds, the Business Manager will consult a qualified professional to prepare a spending
exception report or an arbitrage rebate computation (as applicable) for the issue of Bonds.

G. Rebate payments, as required based upon the advice of a qualified professional, will be made
with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance of
the Bonds and (b) the final retirement of the Bond issue.

VII. Requests for Credit for BABs/QZABs/QSCBs

A. Requests for the refundable credit for BABs/QZABs/QSCBs, including the calculation of the
credit payable and timely filing of requests for payment pursuant to Form 8038-CP and in
accordance with the closing letter of bond counsel, shall be the responsibility of the Business
Manager, who shall verify eligibility for the credit.

B. For fixed rate BABs/QZABs/QSCBs, interest payments calculated by the purchaser shall be
verified by the Business Manager or the Issuer’s financial advisor.

C. For variable rate BABs/QZABs/QSCBs, interest payments shall be as calculated pursuant to
the Bond Resolution and shall be verified by the Business Manager or the Issuer’s financial
advisor.

D. For QZABs/QSCBs where the Issuer elects to forego direct pay federal credit and instead
provide bondholders with an individual federal income tax credit, the Issuer is not entitled to a
refundable credit.

E. Payment of the credit shall be directed to the Issuer or to such other party as provided in the
Bond Resolution.

VIII. Record Management and Retention

A. Management and retention of records related to Bond issues will be supervised by the
Business Manager.

B. Records for Bonds will be retained for the life of the Bonds, plus any refunding bonds, plus
three years. Such records may be in the form of documents or electronic copies of documents,
appropriately indexed to specific Bond issues and compliance functions.

C. Retainable records pertaining to Bond issuance shall include a transcript of documents
executed in connection with the issuance of the Bonds and any amendments; copies of requests
for refundable credits for BABs/QZABs/QSCBs; and copies of rebate calculations and records of
payments, including Forms 8038-T.

D. Retainable records pertaining to expenditures of Bond proceeds include requisitions; trustee
statements, if applicable; and final allocation of proceeds.
E. Retainable records pertaining to use of Bond-financed property include all third-party contracts concerning use of the facilities, including (without limitation) leases, use, management or service contracts, and research contracts.

F. Retainable records pertaining to investments include GIC documents under the Treasury Regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

IX. Overall Responsibility

A. Overall administration and coordination of this policy and the procedures set forth herein are the responsibility of the Superintendent.

B. Review of compliance with this policy and the procedures set forth herein shall be undertaken periodically, and in any event, not less than annually.

C. The Issuer understands that failure to comply with these policies and procedures could result in the retroactive loss of (1) the exclusion of interest on TEBs from federal gross income, and (2) the federal tax credit with respect to BABs and, in the event that federal direct payments to the Issuer are elected, to QZABs/QSCBs, and (3) the loss of the individual federal tax credit for bondholders for QZABs/QSCBs where such individual income tax credit was elected; and, thus, it would be advisable to consult with bond counsel in advance regarding deviations from the facts and expectations as set forth in the closing certifications relating to any issue of Bonds.

D. The Superintendent will promptly engage qualified consultants and bond counsel to investigate any potential violations of federal tax requirements or undertake appropriate remedial actions, which actions shall be approved by the governing body of the Issuer.

Policy History

Adopted on: July 13, 2010
Reviewed on:
Revised on:
HARDIN PUBLIC SCHOOLS

R = required

8000 SERIES
NONINSTRUCTIONAL OPERATIONS

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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, which shall maximize the resources directly available for students’ learning programs.

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Transportation

The District may provide transportation to and from school for a student who:

1. Resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school;

2. Is a student with a disability, whose IEP identifies transportation as a related service; or

3. Has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The District may provide transportation by school bus or other vehicle or through individual transportation such as paying the parent or guardian for individually transporting the student.

The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. The Board may authorize children attending an approved private school to ride a school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is collected. The District may transport and charge for an ineligible public school student, provided the parent or guardian pays a proportionate share of transportation services. Fees collected for transportation of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and state law.

In-Town Busing

In-town busing is defined as the busing of students within three (3) miles of their school. In-town busing is a privilege the District can discontinue at any time. The Superintendent will establish guidelines under which a student may request in-town busing.

Legal Reference: § 20-7-441, MCA Special education child eligibility for transportation

§ 20-10-101, MCA Definitions

§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-122, MCA Discretionary provision of transportation and payment for this transportation

§ 20-10-123, MCA Provision of transportation for nonpublic school children

10.7.101, et seq., ARM Pupil transportation

10.64.101-700, et seq., ARM Transportation

No Child Left Behind Act of 2001 (P.L. 107-110)

Policy History:

Adopted on:

Reviewed on:

Revised on: August 28, 2007
CONTRACTING FOR TRANSPORTATION SERVICES

If the Board enters into a contract for transportation services, the contractor shall operate such equipment in accordance with 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. Before entering into the first such contract, the District shall determine that the cost of contracting for the ensuing term will not exceed projected costs of operating its own system. Before any transportation contract is awarded to a private party or contractor, 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 current 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 Chairperson will 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 which best fits District needs at that particular time, as determined 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:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

NONINSTRUCTIONAL OPERATIONS

Bus Routes and Schedules

The Superintendent’s designee is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses consistent with providing safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness, and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turnaround points, capacity of bus, and related factors.

2. The District may extend a bus route across another transportation service area, if it is necessary in order to provide transportation to students in the District’s own transportation service area. A district may not transport students from outside its transportation service area.

3. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one (1) hour without consent of the child’s parent or guardian.

4. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.

5. Parents should be referred to the Superintendent for any request of change in routes, stops, or schedules.

The Board reserves the right to change, alter, add, or delete any route at any time such changes are deemed in the best interest of the District, subject to approval by the county transportation committee.

Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency and inclement weather conditions.
Bus stops shall be chosen with safety in mind. Points shall be selected where motorists
approaching from either direction will have a clear view of the bus for a distance of at least three
hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly
loading and unloading of students. The principal of each building is responsible for the conduct
of students waiting in loading zones.

Responsibilities - Students

Students must realize that safety is based on group conduct. Talk should be in conversational
tones at all times. There should be no shouting or loud talking which may distract the bus driver.
There should be no shouting at passersby. Students should instantly obey any command or
suggestions from the driver and/or his/her assistants.

Responsibilities - Parents

The interest and assistance of each parent is a valued asset to the transportation program.
Parents’ efforts toward making each bus trip a safe and pleasant experience are requested and
appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
2. Properly prepare children for weather conditions.
3. Encourage school bus safety at home. Caution children regarding safe behavior and
   conduct while riding the school bus.

Safety

The Superintendent will develop written rules establishing procedures for bus safety and
emergency exit drills and for student conduct while riding buses.

If the bus and driver are present, the driver is responsible for the safety of his/her passengers,
particularly for those who must cross a roadway prior to loading or after leaving the bus. Except
in emergencies, no bus driver shall order or allow a student to board or disembark at other than
his/her assigned stop unless so authorized by the Superintendent. In order to assure the safety of
all, the bus driver may hold students accountable for their conduct during the course of
transportation and may recommend corrective action against a student. Bus drivers are expressly
prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the
consequent protection of his/her passengers. Failure to use the system constitutes negligence on
the part of the driver.
Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. In the interest of safety and operational efficiency, the Superintendent is empowered to make decisions as to emergency operation of buses, cancellation of bus routes, and closing of school, in accordance with his or her best judgment. The Board may develop guidelines in cooperation with the Superintendent to assist the Superintendent in making such decisions.

**NOTE:** To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route.

**NOTE:** The county transportation committee has authority to establish transportation service areas, should circumstances and/or geography (demographics) warrant.

**Legal Reference:**

- § 20-10-106, MCA Determination of mileage distances
- § 20-10-132, MCA Duties of county transportation committee
- § 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation

**Policy History:**

Adopted on:
Reviewed on:
Revised on: August 28, 2007
Transportation of Students With Disabilities

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings or to those activities that are a regular part of the student’s instructional program;

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Evaluation Team that develops the disabled student’s Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student’s IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District’s regular transportation system under policies and procedures applicable to all District students. Utilizing the District’s regular transportation service shall be viewed as a “least restrictive environment.”

Mode of Transportation

Buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.
District-Owned Vehicles

The District owns and maintains certain vehicles. Included among them are pickups, school buses, and cars. 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 will establish a specific list of tasks bus drivers will perform on a daily basis. All other District vehicles shall be maintained following established programs developed by the Superintendent.

Policy History:

Adopted on:
Reviewed on:
Revised on:  August 28, 2007
Hardin Public Schools

NONINSTRUCTIONAL OPERATIONS

Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District’s written rules for bus drivers and for student conduct on buses.

Each bus driver will meet the qualifications established by the Superintendent of Public Instruction, including possession of a valid Montana commercial driver’s license (with school bus “S” and passenger “P” endorsements), receive ten (10) hours of in-service annually, and Department of Transportation-approved physician’s certification that he or she is medically qualified for employment as a bus driver. The bus driver shall secure a valid standard first aid certificate from an authorized instructor, within two (2) months after being employed, and maintain a valid first aid certificate throughout employment as a bus driver. The bus driver must have five (5) years driving experience.

A school bus driver is prohibited from operating a school bus while using a cellular phone, including hands free cellular phone devices, except:

(1) During an emergency situation;
(2) To call for assistance if there is a mechanical breakdown or other mechanical problem;
(3) When the school bus is parked.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

Legal Reference: § 20-10-103, MCA School bus driver qualifications
10.7.111, ARM Qualification of Bus Drivers
10.64.201, ARM Drivers

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, February 23, 2010
Student Conduct on Buses

The Superintendent will 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 respective building principal notification given to the Superintendent. 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:
Reviewed on:
Revised on: August 28, 2007
School Bus 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 every bus. To ensure the success of such emergency procedures, every bus driver will conduct an emergency evacuation drill within the first six (6) weeks of each school semester. The District will conduct such other drills and procedures as may be necessary.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Activity Trips

Whenever practical, buses are to be used for transportation to and from athletic or any other school activities. Any deviation from this rule must be approved by the administration, but in any event, cars are not to be driven by students.

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. Buses will be operated by a qualified bus driver on all activity runs, and only authorized activity participants, professional staff, and chaperones assigned by the administration may ride the bus.

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 building main office before the bus departs.

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Food Services

The District supports the philosophy of the National School Lunch Program and will 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 will not accept donations of food without approval of the Board. Should the Board approve a food donation, the Superintendent will 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.

Commodities

The District will use food commodities made available under the Federal Food Commodity Program for school meals.

Free and Reduced-Price Food Services

The District will 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 will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will 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.

Delinquent Student/Staff School Food Program Accounts

Any student or staff member, delinquent in excess of Twenty-Five Dollars ($25) in the school food program, shall not be eligible to participate in the school breakfast and/or lunch program, until such time as the delinquency has been paid.

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

Policy History:
Adopted on: 
Reviewed on:  
Revised on:  August 28, 2007
Meal Charge Policy

The Hardin School District has eliminated the risk for unpaid meal charges by participating in the Community Eligibility Provisions (CEP) program, which is a meal service option for schools and school districts operating the school meal programs in high-poverty communities. CEP allows the school to provide breakfast and lunch at no cost to all enrolled children without the need to collect applications or establish individual eligibility for a four-year period, thereby increasing access to school meals and eliminating unpaid meal charges.

Delinquent Staff Food Program Accounts

Any staff member, delinquent in excess of Twenty-Five Dollars ($25) in the school food program, shall not be eligible to participate in the school breakfast and/or lunch program, until such time as the delinquency has been paid.

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
Procurement Policy for School Food Purchases

The Hardin School District will adhere to the following requirements for any procurement related to food service:

**Purchases:**

- **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.

- **Purchases greater than $3,500 and less than $80,000:**
  
  - Any purchase greater than $3,500 and less than eighty thousand ($80,000) will be handled in a fair and equitable manner consistent with district policy on purchasing.
  
  - The Hardin School District will obtain two or more estimates when any purchase will cost more than $3,500 and less than eighty thousand ($80,000).
  
  - 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.

**Bid Specifications:**

The Hardin 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, Hardin School District 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. Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. However, exceptions are allowed when:

--Food preferences can only be met with foreign goods
--Insufficient quantity and/or quality is available in the USA
--Domestic cost is **significantly** higher

**Standards of Conduct for District Employees:**

- The Hardin 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

- 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.
Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine and any other tobacco innovation.

Use of tobacco 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.

Legal Reference:
- § 20-1-220, MCA Use of tobacco product in public school building or property prohibited
- ARM 37.111.825 Health Supervision and Maintenance

Policy History:
- Adopted on:
- Reviewed on:
- Revised on: August 28, 2007, February 23, 2010
The Board believes the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

The District will purchase surety bonds for the 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:
Adopted on:
Reviewed on:
Revised on:     August 28, 2007
NON-INSTRUCTIONAL OPERATIONS

District Safety

For purposes of this policy, “disaster means the occurrence or imminent threat of damage, injury, or loss of life or property”.

The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the District. Rules for safety and prevention of accidents will be posted in compliance with the Montana Safety Culture Act and the Montana Safety Act. Injuries and accidents will be reported to the District office.

The board of trustees has identified the following local hazards that exists within the boundaries of its school district:
[Fire, Earthquake, Avalanche, High Winds, Tornadoes, Intruders, Firearms, etc.]

The 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 will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year in a school. All teachers will discuss safety drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record will be kept of all fire drills.

The trustees shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to school safety and security.

The Superintendent will develop safety and health standards which comply with the Montana Safety Culture Act.

Legal Reference: § 20-1-401, MCA Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
§ 20-1-402, MCA Number of disaster drills required – time of drills to vary
§§ 39-71-1501, et seq., MCA Montana Safety Culture Act
§§ 50-71-311, MCA Montana Safety Act

Policy History:
Adopted on: Reviewed on:
NONINSTRUCTIONAL OPERATIONS

Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District’s protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

Receipts from a sale of real property shall be placed in the debt service fund, building fund, general fund, or in any combination of these three (3) funds, at the Board’s discretion.

Legal Reference: § 20-6-603, MCA Trustees’ authority to acquire or dispose of sites and buildings – when election required
§ 20-6-604, MCA Sale of property when resolution passed after hearing – appeal procedure

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
Noninstructional Operations

Operation and Maintenance of District Facilities

The District seeks to maintain and operate facilities in a safe and healthful condition. The facilities manager, in cooperation with principals, fire chief, and county sanitarian, will periodically inspect plant and facilities. The facilities manager will develop a program to maintain the District physical plant by way of a continuous program of repair, maintenance, and reconditioning. Budget recommendations will be made each year to meet these needs and any such needs arising from an emergency.

The facilities manager will formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve District resources in their buildings.

Legal Reference: 10.55.908, ARM School Facilities

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

NONINSTRUCTIONAL OPERATIONS

District-Wide Asbestos Program

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on:
In accordance with the requirements of the Environmental Protection Agency (EPA), the Hardin School District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

“Renovation” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Superintendent with EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
   (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.
   (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how
interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

4. The renovation company must prepare, sign, and date a statement describing the step performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

Recordkeeping Requirements *

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
  - Reports certifying that lead-based paint is not present.
  - Records relating to the distribution of the lead pamphlet.
  - Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

*Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).

Legal Reference: 40 CFR Part 745, Subpart E Lead-based paint poisoning in certain residential structures

Policy History:
Adopted on: September 14, 2010
Reviewed on:
Revised on:
Noninstructional Operations

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 Hardin School District will permit the use of service animals by an individual with a disability according to federal regulations. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal’s handler does not take effective action to control it;
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference: Policy 8425P Procedure for allowance of service animals
Policy 8425F Service Animals in District Facilities Form
Policy 2161 Special Education
Policy 2162 Section 504 of the Rehabilitation Act of 1973

Legal Reference: 28 CFR 35.136 Service Animals
28 CFR 35.104 Definitions
49-4-203(2), MCA Definitions

Policy History:
Adopted on: 7/12/2011
Reviewed on:
Revised on: 09/25/2012

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The District will retain, in a manner consistent with applicable law and the state’s Rules for Disposition of Local Government Records, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, “records” are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

Litigation Holds for Electronic Stored Information (ESI)

The school district will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.
Cross Reference: 1402 School Board Use of Electronic Mail
3600, 3600P Student Records
5231, 5231P Personnel Records
5450 Employee Electronic Mail

Legal Reference: Montana Secretary of State (Rules for Disposition of Local
Government Records)
Federal Rules of Civil Procedure (FRCP)
§ 2-6-403, MCA Duties and responsibilities
§ 20-1-212, MCA Destruction of records by school officer
§ 20-7-101(2), MCA Standards of accreditation
§ 20-9-215, MCA Destruction of certain financial records
24.9.805 (4), ARM Employment Records

Policy History:
Adopted on:
Reviewed on:
Revised on: August 28, 2007, October 27, 2009
Hardin Public Schools

NONINSTRUCTIONAL OPERATIONS  8440

Computer Software

Unauthorized copying of any computer software licensed or protected by copyright is theft. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by a copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Policy History:
Adopted on:  August 28, 2007
Reviewed on:
Revised on:
The Board of Trustees of Hardin Public Schools recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The Board has purchased one or more of these units for use by qualified personnel. The Board of Trustees approves the use of AED units, subject to the following conditions:

1. Establish a program for the use of an AED that includes a written plan that must specify:
   • Where the AED will be placed;
   • The individuals who are authorized to operate the AED;
   • How AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;
   • The medical supervision that will be provided;
   • The maintenance that will be performed on the AED;
   • Records that will be kept by the program;
   • Reports that will be made of AED use;
   • The name, location, and telephone number of a physician, or other individual designated by the physician, designated to provide medical supervision of the AED program; and
   • Other matters as specified by the Department of Public Health and Human Services;

2. Adhere to the written plan required by subsection (1);

3. Ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the proper use of an AED;

4. Maintain, test, and operate the AED according to the manufacturer’s guidelines and maintain written records of all maintenance and testing performed on the AED;

5. Ensure that the physician or other individual designated by the physician to supervise the AED program supervises the AED program to ensure compliance with the written plan, this part, and rules adopted by the District and reviews each case in which the AED is used;

6. Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the District as required by the written plan;

7. Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
   a. A copy of the plan prepared pursuant to this section; and
   b. Written notice, in a format prescribed by the DPHHS rules, stating:
      i. That an AED program has been established by the District;
      ii. Where the AED is located; and
iii. How the use of the AED is to be coordinated with the local emergency medical service system.

Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that result from that care or treatment.

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used, unless the individual using the AED or the person providing CPR, as applicable, acts with gross negligence or with willful or wanton disregard for the care of the person upon whom the AED is or may be used.

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

a. A person providing medical oversight of the AED program, as designated in the plan;
b. The entity responsible for the AED program, as designated in the plan;
c. An individual providing training to others on the use of an AED.

Legal Reference: Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)

§50-6-501, MCA Definitions
§50-6-502, MCA AED program – requirements for AED use
§50-6-503, MCA Rulemaking
§50-6-505, MCA Liability limitations

Policy History:
Adopted on: August 28, 2007
Reviewed on:
Revised on: September 14, 2010
HARDIN PUBLIC SCHOOLS
1000 SERIES
THE BOARD OF TRUSTEES

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Vacancies

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

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

2. All citizens shall be invited to nominate candidates for the position, provided that the nominees shall be residents of the District.

3. The Board Clerk shall notify all nominees by sending them a summary of trustee responsibilities and soliciting from them a biographical sketch as well as a statement about their interest in being a board member. Upon their request, the Board Clerk shall provide candidates with orientation information.

4. The Board shall screen the candidates.
   a. If there are more than five (5) nominees, it shall select for interviews the five (5) whose prior experience and expressed interest suggest that they will be most able to contribute breadth of view to the board’s deliberations as well as effectively represent a large segment of the community.
   b. The Board shall individually interview the finalists in a regular or special meeting and appoint the candidate who in the judgment of the Board is most likely to contribute to the growth and development of the district’s educational programs and operations.

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

Procedure History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Notice Regarding Public Comment

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

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

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

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

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

THE BOARD OF TRUSTEES 1620P

Evaluation of the Board

Each trustee shall annually review the code of ethics as a basis for evaluating his/her own conduct as an elected representative of the Board. Collectively, the Board may evaluate its own performance in terms of its four (4) major functions:

1. **Curriculum and Instruction.** The Board should demonstrate its responsibility for providing educational leadership by:
   a. Assessing the nature of the programs desired by the community;
   b. Formulating educational goals based on the needs and values of the community;
   c. Encouraging curriculum development activities directed towards goals;
   d. Approving materials, equipment, and/or methods consistent with goals; and
   e. Requiring and monitoring periodic evaluations of school programs.

2. **Policy Development.** The Board shall demonstrate its policy development responsibilities by:
   a. Enacting policies that provide a definite course of action;
   b. Soliciting input from staff, students, and citizens before final adoption;
   c. Monitoring the implementation of policies;
   d. Reviewing policy and revising policy when change is necessary; and
   e. Reviewing Board and administrative procedures for consistency with policy.

3. **Management.** The Board should demonstrate its management responsibility by:
   a. Reviewing budget proposals;
   b. Reviewing revenues and expenditures;
   c. Reviewing proposed labor agreements;
   d. Reviewing staffing recommendations and evaluations;
   e. Reviewing building and grounds maintenance and needs;
   f. Reviewing transportation services; and
   g. Initiating and reviewing internal and external audits.

4. **Communication With the Public.** The Board should facilitate an interaction between school and community by:
   a. Distributing newsletters, descriptive reports, etc.;
   b. Holding planning and informational meetings in the community;
   c. Encouraging and providing for representative citizens to serve on special committees;
   d. Soliciting opinion through the use of surveys and other means; and
   e. Establishing and maintaining positive media contacts.

Policy History:

Adopted on:
Reviewed on:
Revised on: August 28, 2007
HARDIN PUBLIC SCHOOLS

2000 SERIES
INSTRUCTION

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2311F Citizen’s Request for Reconsideration of Instructional Materials
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Extracurricular Program

The extracurricular program, as defined in policy, consists of:

1. Activities which are recognized by the student activity account; or
2. Those activities which satisfy the conditions and criteria incorporated into Policy 2150.

Activities which operate within the student activity account program must have met all conditions as specified in the student body constitution.

When an activity does not satisfy the extracurricular program conditions, or such association is not found to be necessary or beneficial, the group and a proposed staff member/sponsor may seek approval and recognition from the school principal. Each approved group shall operate under the guidelines set forth by the principal, including but not limited to objectives, membership, supervision, proposed activities, and funding.

Recognized extracurricular groups shall have use of school facilities and equipment under terms set forth by the school principal. Groups that are not recognized as a part of the extracurricular program may apply for use of school facilities under conditions set forth in Policy 4330 – Use of School Facilities.

When organizations involving boys and/or girls of student age wish to announce and/or promote a forthcoming activity through the school (bulletin board, etc.), the organization shall be requested to describe its plans to the principal, through the student council, prior to any activity being announced or promoted within the school. Ticket sales and other promotional activities may be permitted at the school, subject to the approval and conditions set forth by the principal. This cooperation shall in no way require the classroom teacher to supervise or assist with the activity, shall carry no direct or implied endorsement, shall not be disruptive to classroom instruction, and shall involve the principal only to the extent that he/she approves, denies, or modifies the proposed promotional activity. Such advertising promotion and ticket sales for independent activities shall carry a statement indicating the sponsor of the activity. Should the sponsoring group wish to hold these activities on campus, appropriate rental arrangements may be made through Policy 4330 – Use of School Facilities.

Policy History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

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

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

Administration

It is the responsibility of the administration to:

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

Procedure History:

Promulgated on:  
Reviewed on:  
Revised on:  August 28, 2007
The Superintendent shall place the annual application on the agenda of a regular meeting of the Board, for action prior to submission to the state educational agency for final approval.

**Child Find**

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

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

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

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

F. Homeless Children

Procedures for Evaluation and Determination of Eligibility

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

10.16.3320 - Referral;
10.60.103 - Identification of Children with Disabilities;

Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 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 time a school year, except that a copy also must be given to the parents:

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

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

The referral for special education consideration may be initiated from any source, including school personnel. To initiate the process, an official referral form must be completed and signed by the person making the referral. The District shall accommodate a parent who cannot speak English and therefore cannot complete the District referral form. Recognizing that the referral form is a legal document, District personnel with knowledge of the referral shall bring the referral promptly to the attention of the Evaluation Team.
The District shall give written notice to the parent of its recommendation to evaluate or not to evaluate the student. The parent will be fully informed concerning the reasons for which the consent to evaluate is sought. Written parental consent will be obtained before conducting the initial evaluation or before reevaluating the student.

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

Evaluation of Eligibility

Evaluation of eligibility for special education services will be consistent with the requirements of 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility; and shall also comply with A.R.M. 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 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

Children in Private Schools/Out-of-District Placement

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 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.

As set forth under 34 C.F.R. 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 C.F.R. 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 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M. 10.16.3560.

B. Access Rights

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

C. List of Types and Locations of Information.

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

D. Safeguards

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

E. Destruction of Information

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

F. Children’s Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one of the child’s teachers, determining the location in which the 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
10.16.3129 ARM Parental Involvement
10.16.3220 ARM Program Narrative
10.16.3321 ARM Comprehensive Educational Evaluation Process
10.16.3322 ARM Composition of a Child Study Team
10.16.3340 ARM Individualized Education Program and Placement Decisions
10.16.3342 ARM Transfer Students: Intrastate and Interstate
10.16.3560 ARM Special Education Records
10.60.103 ARM Identification of Children with Disabilities

Procedure History:
Promulgated on:
Reviewed on:
Revised on: 1/13/09
Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Selection of Library Materials

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

Weeding

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

Discarded materials will be clearly stamped:

“WITHDRAWAL FROM HARDIN PUBLIC SCHOOLS LIBRARY”

Materials will be discarded in compliance with § 20-6-604, MCA. When the decision to sell or dispose of library materials is made, the Board will adopt a resolution to sell or otherwise dispose of the material because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the District. The Board will publish a notice of the resolution in the newspaper of general circulation in Hardin. 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:
Reviewed on:
Revised on: August 28, 2007
Citizen’s Request for Reconsideration of Instructional Materials

Request Initiated by: ________________________________________________

Telephone: _____________ Address: ________________________________

Complainant Represents: ___________________________________Himself
_______________________________________________(Name of Organization)

The material I (we) object to is of the following type:

Film _____ Recording _____ Magazine _____ Pamphlet _____
Library book _____ Text book _____ Other _____

Is this material, to your knowledge, on a student reading list? _____Yes _____No

Title __________________________Publisher____________________________

1. Are you familiar with the District’s objectives in using this material? ___________

2. Are you familiar with the District’s philosophy regarding selection of instructional
   materials? __________________________________________________________

3. To what in the material(s) do you object? Please be specific, cite pages or selections.
   ____________________________________________________________________
   ____________________________________________________________________

4. What do you feel might be the result of reading, seeing, or using this material?______
   ____________________________________________________________________
   ____________________________________________________________________

5. For what age group would you recommend this material(s) _____________________

6. Is there anything of value in this material? _________________________________
   ____________________________________________________________________

7. Did you read, hear, or see the entire content? ________________________________
   If not, what parts did you read, hear, or see. ________________________________

8. Are you aware of the judgment of this material by literary or subject matter critics?___
9. What do you believe is the theme of this material? _____________________________

10. What would you like the school to do about this material?
   a. Do not assign it to my child: ________________
   b. Do not give it to my child: ________________
   c. Withhold it from all students: ________________

In its place, what material of equal quality would you recommend that would convey as valuable
a picture and perspective? ________________________________________________________

_______________________________________ ____________________________
Signature                                Date
INSTRUCTION

Selection, Adoption, and Removal of Textbooks and Instructional Materials

Content area committees will generally be responsible to recommend textbooks and major instructional materials purchases. Recommendations will be made to the Superintendent. The function of the committees is to ensure that materials are selected in conformance with stated criteria and established District goals and objectives. A content area 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.

Procedure History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Copyright Compliance

Authorized Reproduction and Use of Copyrighted Material in Print

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

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

1. Brevity

a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.

b. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.)

c. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this includes children’s books combining poetry, prose, or poetic prose.

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

3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term.
Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

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

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

Authorized Reproduction and Use of Copyrighted Materials in the Library

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

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

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

Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

Teachers may:
- Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;
- Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt
does not comprise a part of the whole musical work which would constitute a performable unit
such as a complete section, movement, or song;

- In an emergency, a teacher may make and use replacement copies of printed music for an
  imminent musical performance when the purchased copies have been lost, destroyed or are
  otherwise not available.
- Make and retain a single recording of student performances of copyrighted material when it is
  made for purposes of evaluation or rehearsal;
- Make and retain a single copy of excerpts from recordings of copyrighted musical works for use
  as aural exercises or examination questions; and,
- Edit or simplify purchased copies of music or plays provided that the fundamental character of
  the work is not distorted. Lyrics shall not be altered or added if none exist.

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

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

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

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

Recording of Copyrighted Programs

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

USE OF INFORMATION RESOURCES REGULATION

Off-air recording may be used once by individual teachers in the course of instructional activities, and
repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive
school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air
recordings may be made only at the request of and used by individual teachers, and may not be regularly
recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the
request of the same teacher, regardless of the number of times the program may be broadcast. A limited
number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers.
Each additional copy shall be subject to all provisions governing the original recording.
After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar
day retention period only for evaluation purposes, i.e., to determine whether or not to include the
broadcast program in the teaching curriculum. Permission must be secured from the publisher before the
recording can be used for instructional purposes after the 10 day period.
Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from
their original content. Off-air recordings may not be physically or electronically combined or merged to
constitute teaching anthologies or compilations. All copies of off-air recordings must include the
copyright notice on the broadcast program as recorded.

Authorized Reproduction and Use of Copyrighted Computer Software

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the
authors of software programs, the school district shall support the legal and ethical issues involved in
copyright laws and any usage agreements that are incorporated into the acquisition of software programs.
To this end, the following guidelines shall be in effect:
• All copyright laws and publisher license agreements between the vendor and the school
district shall be observed;
• Staff members shall take reasonable precautions to prevent copying or the use of
unauthorized copies on school equipment;
• A back-up copy shall be purchased, for use as a replacement when a program is lost or
damaged. If the vendor is not able to supply a replacement, the school district shall make a
back-up copy that will be used for replacement purposes only;
• A copy of the software license agreement shall be retained by the, [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.

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

• Motion media: ten percent or three minutes, whichever is less;

• Text materials: ten percent or 1,000 words, whichever is less;

• Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;

• Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;

• Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;

• Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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

Procedure History:
Promulgated on:
Reviewed on:
Hardin Public Schools

INSTRUCTION

PROMOTION AND RETENTION

Name of Student ___________________________________________ Grade ________

Summary of Initial Conference: Conference date:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Summaries of Follow-Up Conferences (include dates):

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Final Recommendation of Teacher:

______________________________________________________________________________
______________________________________________________________________________

Final Parent Response: I □ do □ do not concur that my child should be retained in grade ___. I understand the academic deficiencies as noted by the teacher. I wish to have my child promoted to grade _____________.

Other comments: _______________________________________________________________
______________________________________________________________________________

Date: _______________________ Signature of Parent: _______________________________

Final decision of the District: The student will be _____ promoted _____ retained.

Date: _______________________ Signature of Principal: _____________________________
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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.
If a homebound student does not meet the criteria set forth above, the District may request a variance through the Office of Public Instruction, for consideration of the student in the enrollment count for ANB purposes beyond the tenth (10th) day of absence.

Attendance Accounting

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

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

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

Procedure History:
Promulgated on:
Reviewed on:
MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE
DISPUTE RESOLUTION FORM

School District __________________________ Liaison _____________________
Telephone __________________

Date of first contact by homeless individual, guardian, or representative ____________

Homeless Student’s Name ________________________________________________

Describe the issue(s) in question ___________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
School District Contact _____________________ Telephone __________________
(Superintendent/Principal)
Date _______________ (within 7 business days)
Resolution of Liaison/School District Level (describe below) _____ or
Forwarded to OPI Homeless Coordinator [please contact at (406) 444-2036) _____

Date _______________ (within 15 business days)
Resolution to OPI Homeless Coordinator Level (describe below) _____ or
Forwarded to Superintendent of Public Instruction _____

Describe Resolution Results _____________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Homeless Coordinator Signature _________________________________________

This form must be filed with Heather Denny
Homeless Coordinator
Office of Public Instruction
Po Box 202501
Helena, MT 59620-2501
Harassment Reporting Form for Students

School ___________________________ Date ___________________

Student’s name _________________________________________________________________

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we’ll use our best efforts to keep your report confidential.)

• Who was responsible for the harassment or incident(s)? ______________________________

• Describe the incident(s). ______________________________________________________

• Date(s), time(s), and place(s) the incident(s) occurred. _______________________________

• Were other individuals involved in the incident(s)? □ yes □ no
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 _______________________________________________
Hardin Public Schools

STUDENTS

Searches and Seizure

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

1. The Superintendent, principal, 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 reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice or consent.

3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.

4. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.

5. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

Procedure History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007, 4/8/14
Hardin Public Schools

STUDENTS

Discipline of Students With Disabilities

Code of Conduct Violations by Students With Disabilities, Resulting in Disciplinary Consequences of Ten (10) School Days or Less

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student’s placement for ten (10) consecutive school days or less.

School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. Reg. 300.520(a)(1)(i).

During the first (1st) ten (10) cumulative school days in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. Reg. 300.121(d)(1).

School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under Reg. 300.519(b) and are those which would be applied to non-disabled students. Reg. 300.520(a)(1)(i).

A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. Reg. 300.519(b). If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. Reg. 300.523(a).

Beginning with the eleventh (11th) day of disciplinary removals in a school year, educational services must be provided. Reg. 300.520(a)(1)(i); Reg. 300.121(d)(2)(i)(A). If the removal does not result in a change of placement, school personnel, in consultation with the student’s special education teacher, determine the services to be provided. Reg. 300.121(d)(3)(i).

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(A).
Beginning with the eleventh (11th) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. Reg. 300.520(b)(1)(i).

After the functional behavioral assessment is completed, the IEP Team 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 is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. Reg. 300.520(c)(2).

If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. Reg. 300.520(c)(2).


Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. Reg. 300.519(a).

The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. Reg. 300.519(b).
School personnel may remove from current educational placement for ten (10) school days or less (Reg. 300.520(a)(1)(i)) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9). Reg. 300.529.

At the time the decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review – MDR). Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b). If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. Reg. 300.520(b)(1)(ii).

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).
If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412 (a)(1)(A); Reg. 300.121(a); Reg. 300.524(a). The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b). 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).

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).

Drug and Weapon Offenses by Students With Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.

Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. Sec. 1415(k)(10)(B); Reg. 300.520(d)(2).

Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. Sec. 1415(k)(10)(A); Reg. 300.520 (d)(1).

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).
School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i). (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9); Reg. 300.529.

At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. Sec. 1415 (k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a). IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. Reg. 300.520(b)(1)(ii). If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). Sec. 1415(k)(4)(A); Reg. 300.523 (a)(2)(b).

The forty-five-(45)-day alternative interim placement must:
- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student’s IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121 (d)(2)(ii).

Comments to regulations: Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.
For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a), Reg. 300.524(a). The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b).

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. Sec. 1415(i)(6); Reg. 300.525(a), (b).

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. Sec. 1415(k)(6)(A); Reg. 300.525(a)(2).

During appeals, stay put applies. Reg. 300.524(c). If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in Sec. 1415(k)(2) and Reg. 300.521.

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a). The IEP Team must determine what services are necessary to meet this standard. Reg. 300.121(d)(3)(ii).
IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student’s placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. Reg. 300.524.

School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. Sec. 1415(k)(2); Reg. 300.521.

Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a). Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
  - Enables the student to participate in the general curriculum, although in another setting;
  - Enables the student to continue to receive those services and modifications, including those described in the student’s current IEP, that will enable the student to meet the goals set out in the IEP; and
  - Include services and modification designed to address the behavior so that it does not recur.

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. Sec. 1415(k)(6)(B)(ii); Reg. 300.525 (b)(2).

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. Sec. 1415(k)(2); Reg. 300.521.
Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. Reg. 300.526(b), (c)(4). Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. Sec. 1415(k)(7); Reg. 300.526. Any subsequent forty-five-(45)-day interim setting must meet the standards in Reg. 300.522.

Procedure History:
Promulgated on: August 28, 2007
Reviewed on:
Revised on:
HARDIN PUBLIC SCHOOLS ACTIVITIES MANDATORY
DRUG TESTING CONSENT FORM

In order for students to participate in M.H.S.A. and/or Hardin High School sponsored
Activities, students and a parent/guardian or caretaker relative must sign this consent
form.

I understand fully that my performance as a participant and the reputation of my school is
dependant in part on my conduct as an individual. I hereby agree to accept and abide by the
standards, rules, and regulations set forth by the Hardin Public Schools Board of Trustees and the
sponsors for the activity in which I participate.

I authorize the Hardin Public Schools to conduct an Oral Fluids (saliva) Drug Screen Test, which
I provide, to test for any illegal drugs, non-prescribed drugs, and/or alcohol use. This test may
be done without prior notice at any time during which I am participating in sports/activities. The
specimen will be collected by high school personnel from the Activities office and Medical staff.
Results will be confirmed by no less than two (2) adults and disclosed to only the Activities
office and the principal. Positive tests will be sent to an independent lab for confirmation. Only
after two (2) consecutive positive results will a test be deemed positive.

Date: ____________________, 20__ Date: ________________, 20__

___________________________________ _______________________________________
Student Name (please print) Parent/Guardian/Caretaker Name (please print)

___________________________________ _______________________________________
Student Signature Parent/Guardian/Caretaker Signature

Home Address: ________________________________________

____________________________________

Home Phone: ______________________________________

List of any medication that the student takes regularly or has taken during the past thirty (30)
days:

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

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

**Student-Athlete Name:**

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

**Parent/Legal Custodian Name(s):**

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

*If true, please check box*

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

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

______________________________  __________________________
Signature of Student-Athlete          Date

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

**SIGNs AND SYMPTOMs OF A CONCUSSION**

<table>
<thead>
<tr>
<th>SIGNS OBSERVED BY PARENTS OR GUARDIANS</th>
<th>SYMPTOMS REPORTED BY YOUR CHILD OR TEEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Appears dazed or stunned</td>
<td>Thinking/Remembering:</td>
</tr>
<tr>
<td>• Is confused about events</td>
<td>• Difficulty thinking clearly</td>
</tr>
<tr>
<td>• Answers questions slowly</td>
<td>• Difficulty concentrating or</td>
</tr>
<tr>
<td>• Repeats questions</td>
<td>remembering</td>
</tr>
<tr>
<td>• Can’t recall events prior to the hit,</td>
<td>• Feeling more slowed down</td>
</tr>
<tr>
<td>bump, or fall</td>
<td>• Feeling sluggish, hazy, foggy, or</td>
</tr>
<tr>
<td>• Can’t recall events after the hit,</td>
<td>groggy</td>
</tr>
<tr>
<td>bump, or fall</td>
<td><strong>Physical:</strong></td>
</tr>
<tr>
<td>• Loses consciousness (even briefly)</td>
<td>• Headache or “pressure” in head</td>
</tr>
<tr>
<td>• Shows behavior or personality</td>
<td>• Nausea or vomiting</td>
</tr>
<tr>
<td>changes</td>
<td>• Balance problems or dizziness</td>
</tr>
<tr>
<td>• Forgets class schedule or</td>
<td>• Fatigue or feeling tired</td>
</tr>
<tr>
<td>assignments</td>
<td>• Blurry or double vision</td>
</tr>
<tr>
<td></td>
<td>• Sensitivity to light or noise</td>
</tr>
<tr>
<td></td>
<td>• Numbness or tingling</td>
</tr>
<tr>
<td></td>
<td>• Does not “feel right”</td>
</tr>
<tr>
<td></td>
<td><strong>Emotional:</strong></td>
</tr>
<tr>
<td></td>
<td>• Irritable</td>
</tr>
<tr>
<td></td>
<td>• Sad</td>
</tr>
<tr>
<td></td>
<td>• More emotional than usual</td>
</tr>
<tr>
<td></td>
<td>• Nervous</td>
</tr>
<tr>
<td></td>
<td><strong>Sleep</strong>:</td>
</tr>
<tr>
<td></td>
<td>• Drowsy</td>
</tr>
<tr>
<td></td>
<td>• Sleeps less than usual</td>
</tr>
<tr>
<td></td>
<td>• Sleeps more than usual</td>
</tr>
<tr>
<td></td>
<td>• Has trouble falling asleep</td>
</tr>
</tbody>
</table>
|                                        | *
|                                        | Only ask about sleep symptoms if the  |
|                                        | injury occurred on a prior day.        |

**LINKS TO OTHER RESOURCES**

- CDC – Concussion in Sports
- National Federation of State High School Association/ Concussion in Sports - What You Need To Know
  - [www.nfhslearn.com](http://www.nfhslearn.com)
- Montana High School Association – Sports Medicine Page
A Fact Sheet for **ATHLETES**

**WHAT IS A CONCUSSION?**
A concussion is a brain injury that:
- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven’t been knocked out
- Can be serious even if you’ve just been “dinged”

**WHAT ARE THE SYMPTOMS OF A CONCUSSION?**
- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not “feel right”

**WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?**
- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.
- **Get a medical checkup.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

**HOW CAN I PREVENT A CONCUSSION?**
Every sport is different, but there are steps you can take to protect yourself.
- Follow your coach’s rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:
  - The right equipment for the game, position, or activity
  - Worn correctly and fit well
  - Used every time you play

Remember, when in doubt, sit them out!
It’s better to miss one game than the whole season.
WHAT IS A CONCUSSION?
A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.
You can’t see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?
Signs Observed by Parents or Guardians
If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:
• Appears dazed or stunned
• Is confused about assignment or position
• Forgets an instruction
• Is unsure of game, score, or opponent
• Moves clumsily • Answers questions slowly
• Loses consciousness (even briefly)
• Shows behavior or personality changes
• Can’t recall events prior to hit or fall
• Can’t recall events after hit or fall

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

HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?
Every sport is different, but there are steps your children can take to protect themselves from concussion.
• Ensure that they follow their coach’s rules for safety and the rules of the sport.
• Encourage them to practice good sportsmanship at all times.
• Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
• Learn the signs and symptoms of a concussion.

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

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

STUDENTS

Management of Sports Related Concussions

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

1. Updating: Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the MHSA or the MHSA Web site, U.S. DPHHS, and CDCP web site. If there are any updated procedures, they will be adopted and used for the upcoming school year.

2. Identified Sports: Identified sports include all organized youth athletic activity sponsored by the school or school district.

B. Training: All coaches, athletic trainers, and officials, including volunteers shall undergo training in head injury and concussion management at least once each school years by one of the following means: (1) through viewing the MHSA sport-specific rules clinic; or (2) through viewing the MHSA concussion clinic found on the MHSA Sports Medicine page at www.mhsa.org; or by the district inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to facilitate the training requirements.

C. Parent Information Sheet: On a yearly basis, a concussion and head injury information sheet shall be distributed to the youth-athlete and the athlete’s parent and/or guardian prior to the youth-athlete’s initial practice or competition. This information sheet may be incorporated into the parent permission sheet which allows students to participate in extracurricular athletics and should include resources 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 youth-athlete who is suspected of sustaining a concussion or head injury or other serious injury.

E. Return to Play After Concussion or Head Injury: In accordance with MHSA Return to Play Rules and Regulations and MCA, a youth-athlete who has been removed from play, practice, tryouts, taining exercises, preparation for an athletic game, or sport camp may not return until the athlete is cleared by a licensed health care professional (registered, licensed, certified, or otherwise statutorily recognized health care professional). The health care provider may be a volunteer.

Policy History:

Adopted on: June 25, 2013
Reviewed on:
Revised on:
Montana Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by 1) the prescribing physician/physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.

Student’s Name: _______________________________ School: __________________________
SEX: (Please circle) Female/Male City/Town: ____________________
Birth Date: _____/_____/____ School Year: ______ (Must be renewed annually)

Physician’s Authorization:
The above named student has my authorization to carry and self-administer the following medication:
Medication: (1) __________________________ Dosage: (1) _______________________
(2) ________________________ (2) ___________________
Reason for prescription(s): ______________________________________________________________________
Medication(s) to be used under the following conditions (times or special circumstances):
____________________________________________________________________________________________
____________________________________________________________________________________________
I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

_______________________ _______________________ _______________________
Signature of Physician/PA/APRN Phone Number Date

Authorization by Parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian:

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort. I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication: ______________________________________________________

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the health care provider may rewrite the order on his/her prescription pad and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, caretaker relative signature: _____________________________ Date: __________________

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider)
See generally Mont. Code Ann. §20-5-420
Accident Report

This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs.

Please Print or Type.

District Name ____________________________ School Name _______________________
Principal’s Name ____________________________ School Phone _______________________
Date of Accident: ___________ Time: □ AM □ PM Supervising Employee _______________

Claimant’s Name ____________________________________ _________________________ _________________
Claimant’s Address __________________________________________ __________________ ________________
Claimant’s SS # _____________________________ Home Phone Number (_____) __________________________
Claimant’s Age _______ Date of Birth ______________________ Sex __________ Grade ____________________
Parent’s Name (if student) _____________________________ Work Phone Number (_____) __________________

Nature of Injury Place of Accident Body Part Injured
☐ Scratch ☐ Concussion ☐ Classroom ☐ Gymnasium ☐ Ankle ☐ Foot ☐ Leg
☐ Fracture ☐ Head Injury ☐ Hallway ☐ Parking Lot ☐ Arm ☐ Face ☐ Nose
☐ Bruise ☐ Sprain/Strain ☐ Bathroom ☐ Sidewalk ☐ Back ☐ Finger ☐ Teeth
☐ Burn ☐ Cut/Puncture ☐ Cafeteria ☐ Stairs ☐ Neck ☐ Hand ☐ Wrist
☐ Dislocation ☐ Bite ☐ Playground ☐ Athletic Field ☐ Eye ☐ Knee ☐ Shoulder
☐ Other ______________________

Describe accident and injury in detail (attach additional description as necessary): ____________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Were efforts made to contact the parent/guardian about the accident? ☐ Yes ☐ No
Was first aid administered? ☐ Yes ☐ No By whom? ____________________________________________
Was the student ☐ Sent home ☐ Sent to physician ☐ Sent to hospital
Is student covered by Student Accident Insurance? ☐ Yes ☐ No If “yes,” please list Company Name, address, and phone number ____________________________________________

If medical or hospital treatment was required, please complete the following information. (Attach a copy of medical bills, if available.)

Name and address of doctor or hospital ____________________________________________________________________________
Witnesses (Name, Address, and Phone) ____________________________________________________________________________

Signature/Name of Person Completing the Report ______________________________ Date __________________________
STUDENTS

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
- Record of any disciplinary action taken against the student, which is educationally related

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information

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

1. The right to inspect and copy the student’s education records, within a reasonable time from the day the District receives a request for access.

   Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the 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.

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.

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**

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

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

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the
above information by delivering written objection to the 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 recinds 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.

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
Hardin Public Schools

STUDENTS

Student Records

Maintenance of School Student Records

The District maintains two (2) sets of school records for each student – a permanent record and a cumulative record.

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction

Each student’s permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information
- Camera footage only for those students directly involved in the incident

Information in the permanent record will indicate authorship and date and will be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The 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.

Access to Student Records

The District will grant access to student records as follows:
1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.

2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. A parent of any student is allowed to view the footage but is not permitted to receive a copy unless the parents of the other involved students provide consent. Consent from parents of students in the background is not required. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student’s school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one’s request, unless a court order indicates otherwise:

a. Academic progress reports or records;
b. Health reports;
c. Notices of parent-teacher conferences;
d. School calendars distributed to parents/guardians; and
e. Notices about open houses and other major school events, including student-parent interaction.

Once a student reaches 18 years of age or attends a postsecondary institution, all rights formerly given to parents under FERPA transfer to the student.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District’s educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student’s records necessary for the school official to perform or accomplish their official or professional duties.
4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District may grant release of a child’s education records to child welfare agencies without the prior written consent of the parents.

6. The District will grant access to or release information from a student’s records pursuant to a court order, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.

7. The District will grant access to or release information from any student record, as specifically required by federal or state statute.

8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the Superintendent. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.

10. Prior to release of any records or information under items 5, 6, 7, and 8, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.
13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student’s school records without notice to or consent of the student’s parent(s)/guardian(s).

14. The District charges a nominal fee for copying information in the student’s records. No parent or student will be precluded from copying information because of financial hardship.

15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:

a. Information released or made accessible.

b. Name and signature of the records custodian.

c. Name and position of the person obtaining the release or access.

d. Date of release or grant of access.

e. Copy of any consent to such release.

**Directory Information**

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

**Military Recruiters/Institutions of Higher Education**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.
Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

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: August 28, 2007
Reviewed on: September 25, 2012, June 25, 2013, 4/8/14, 01/14/15
INTERNET ACCESS CONDUCT AGREEMENT

Every student, regardless of age, must read and sign below:

I have read, understand, and agree to abide by the terms of Hardin Public Schools’ policy regarding District-Provided Access to Electronic Information, Services, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print): ________________________ Home Phone:________________________

User’s Signature: ___________________________ Date: ______________________________

Address:______________________________________________________________________

Status:  Student ____  Staff ____  Patron ____  I am 18 or older ____  I am under 18 ____

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

Parent or Legal Guardian. (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the District’s policy regarding District-Provided Access to Electronic Information, Services, and Networks for the student’s access to the District’s computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators, teachers, and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child’s use of or access to such networks or his/her violation of the District’s policy. Further, I accept full responsibility for supervision of my child’s use of his/her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District’s computer network and the Internet.

Parent/Legal Guardian (Print): ___________________________________________________

Signature: ___________________________________________________________________

Home Phone: ___________________ Address: _____________________________________

Date: _________________________

This Agreement is valid for the _________________ school year only.
Acceptable Use of Electronic Networks

All use of electronic networks shall be consistent with the District’s goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

Terms and Conditions

1. Acceptable Use – Access to the District’s electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.

2. Privileges – The use of the District’s electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or building principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.

3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:

   a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;

   b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;

   c. Downloading copyrighted material for other than personal use;

   d. Using the network for private financial or commercial gain;

   e. Wastefully using resources, such as file space;

   f. Hacking or gaining unauthorized access to files, resources, or entities;

   g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;

   h. Using another user’s account or password;
i. Posting material authored or created by another, without his/her consent;

j. Posting anonymous messages;

k. Using the network for commercial or private advertising;

l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and

m. Using the network while access privileges are suspended or revoked.

4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:

a. Be polite. Do not become abusive in messages to others.

b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.

c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.

d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.

e. Do not use the network in any way that would disrupt its use by other users.

f. Consider all communications and information accessible via the network to be private property.

5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user’s errors or omissions. Use of any information obtained via the Internet is at the user’s own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.

9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.

   a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.

   b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.

   c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.

   d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.

   e. Student work may only be published if there is written permission from both the parent/guardian and the student.
11. Use of Electronic Mail.

a. The District’s electronic mail system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides e-mail to aid students and staff members in fulfilling their duties and responsibilities and as an education tool.

b. The District reserves the right to access and disclose the contents of any account on its system without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.

c. Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.

d. Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet “domain.” This domain name is a registered domain name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.

e. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message’s authenticity and the nature of the file so transmitted.

f. Use of the District’s electronic mail system constitutes consent to these regulations.

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.

2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as
contained in these procedures.

3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.

4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.

5. The system administrator and building principals shall monitor student Internet access.

Legal Reference:

- Children’s Internet Protection Act, P.L. 106-554
- Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008 (P.L. 110-385)
- 20 U.S.C. § 6801, et seq. Language instruction for limited English proficient and immigrant students
- 47 U.S.C. § 254(h) and (l) Universal service

Procedure History:

- Promulgated on: August 28, 2007
- Reviewed on: 02/14/2012
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COMMUNITY RELATIONS

Public Information Program

Principals are encouraged to initiate media coverage of their school programs and activities. The Superintendent shall authorize the release of information when the topic being covered involves more than one (1) building. The following guidelines relate to the public information program:

1. Media representatives shall be supplied factual information, with the request that they not publish or broadcast any facts which are injurious to staff or students.

2. Any photograph which is of a controversial nature or which might invade an individual’s right of privacy should not be sanctioned. A release form should be completed before a special education student or a student whose parents have signed a form to withhold directory information is interviewed or photographed.

3. During regular school hours, all media representatives must report to the building office for identification and authorization before going to any part of the building or contacting any individual.

Policy History: Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Visitors to Schools

The following guidelines are established to permit visitors to observe the educational program with minimal disruption:

1. All visitors must register at the school office upon their arrival at school.

2. Visitors whose purpose is to influence or solicit students shall not be permitted on school grounds, unless the visit furthers the educational program of the District.

3. If the visitor wishes to observe a classroom, the times shall be arranged by the principal.

4. If the purpose of the classroom visitation is to observe learning and teaching activities, the visitor may be required to confer with the teacher before or after the observation to enhance understanding of the activities.

5. The principal may withhold approval, if particular events such as testing would be adversely affected by the visit. Similarly, if a visitor’s presence becomes disruptive, the principal may withdraw approval. In either case, the principal shall give reasons for the action.

6. If a dispute arises regarding limitations upon or withholding of approval for visits:
   a. The visitor shall first discuss the matter with the principal;
   b. If it is not satisfactorily resolved, the visitor may request a meeting with the Superintendent. The latter shall promptly meet with the visitor, investigate the dispute, and render a written decision, which shall be final, subject only to the citizen’s right to raise an issue in open meeting at a regular session of the Board.

Policy History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
FACILITIES USE AGREEMENT
Hardin Public Schools

Organization or Individual Requesting Facility Use: ________________________________
Facility Requested: _________________________ Day(s) of Use: _______________________
Date and Hours of Requested Use: __________________________________________________
Purpose of Use: ___________________________________________________________________
Equipment or Apparatus Needed by User: ____________________________________________
Will there be an admission fee? ______ If so, how much? ______________________________

Premises and Conditions
Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:
1. That no alcoholic beverages, tobacco, nicotine products or other drugs are sold or consumed on the premises by the requesting organization or individual or any of its employees, patrons, agents, or members.
2. That no illegal games of chance or lotteries will be permitted.
3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.
4. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities.

Rent and Deposit
The requesting organization or individual may be required to make a damage/cleaning deposit of at least One Hundred Dollars ($100) to be refunded after use if no damage has occurred and the facility has been cleaned.

Insurance and Indemnification
The requesting organization or individual, by signature below, hereby guarantees that the organization shall indemnify, defend, and hold harmless the District and any of its employees or agents, from any liability, expenses, costs (including attorney’s fees), damages, and/or losses arising out of injury or death to any person or persons or damage to any property of any kind in connection with the organization or individual’s use of the District facility, which are not the result of fraud, willful injury to a person or property, or willful or negligent violation of a law.

The requesting organization or individual shall provide the District with a certificate of insurance prior to the use of the facility. The certificate shall show coverage for comprehensive general liability insurance in an amount not less than One Million Dollars ($1,000,000) for injuries to or death of any person or damage to or loss of property arising out of or in any way resulting from the described use of the facility.

Special Events Coverage
The District requires the event holder to purchase a special event liability policy for the event, and to name the district as an additional insured on the policy. The event holder should provide the district with a certificate insurance outlining the coverage limits and that the district has been named as an additional insured on the policy. Minimum coverage limits of $1,000,000 per occurrence and $2,000,000 aggregate should be purchased.

Assumption of Risk
The requesting organization agrees to indemnify, release and hold harmless the District, inclusive of its employees, administration, board of trustees, and insurers form any and all civil liability involving any and all forms of injury except those that may arise as a result of willful, wanton or reckless conduct by the District or its agents adding unwarranted danger to participation in such event.

The requesting organization understands that the District will take all reasonable precautions to insure the risk of injury to individuals accessing the facilities or grounds is minimized. However, even though these precautions are taken there is still a chance of injury, and in rare instances even severe injury and death. The requesting organization understands the risks involved.
The School District DOES NOT provide medical insurance for any individuals who choose to access and use the facilities.

Non-Discrimination
The requesting organization or individual agrees to abide by non-discrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

District’s Rights
The District reserves the right to cancel this Agreement, when it is determined by the District that the facilities are needed for school purposes.

DATED this _____ day of ______________, 20__. 

Hardin Public Schools: Requesting Organization or Individual:
By __________________________              By________________________________ 
Address ___________________________ Phone ____________________________

Additional Obligations ____________________________________________________________________
_______________________________________________________________________________________
Rules and Regulations for Building Use

1. Applications requesting use of the school facility must be presented to the Activities Director or building principal prior to the time desired and must be signed by a qualified representative of the organization desiring to use the building.

2. Generally, there will not be a charge for the use of a school facility except when:
   • An admission is charged to the event conducted in the school, or
   • There is a private business profit motive in the school facility use.

3. When a fee for use of the facility is required, the fee shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School Stadium</td>
<td>$50.00 per afternoon session</td>
</tr>
<tr>
<td></td>
<td>$75.00 per night session</td>
</tr>
<tr>
<td>High School Gymnasium</td>
<td>$200.00 per daily use</td>
</tr>
<tr>
<td>High School Locker Rooms</td>
<td>$100.00 per daily use</td>
</tr>
<tr>
<td>Middle School Gymnasium</td>
<td>$75.00 per daily use</td>
</tr>
<tr>
<td>Intermediate School Gymnasium</td>
<td>$50.00 per daily use</td>
</tr>
<tr>
<td>Middle School Auditorium</td>
<td>$75.00 per daily use</td>
</tr>
<tr>
<td>Activity Center Pool</td>
<td>$100.00 per daily use</td>
</tr>
<tr>
<td>High School Cafeteria</td>
<td>$50.00 per daily use</td>
</tr>
<tr>
<td>Elementary Multi-Purpose Rooms</td>
<td>$3.00 per hour</td>
</tr>
</tbody>
</table>

The rate of any other school facility shall be determined by the Superintendent, Activity Director, and/or building principal.

The fee for use of kitchen facilities will be determined by the staff supervisor. Fees will be based upon the preparation, service, and cleanup related to an event.

4. The use of the school premises will be denied, when, in the opinion of the Superintendent or the Board, such use may be construed to be solely for commercial purposes, there is a probability of damage or injury to school property, or the activity is deemed to be improper to hold in school buildings.
5. In case of loss or damage to school property, the organization and/or individual signing the request shall be fully responsible and liable.

6. The District reserves the right to require a certificate of insurance from the renting agency.

7. No furniture or apparatus shall be moved or displaced without permission.

8. No access to other rooms in the building shall be permitted unless designated by agreement.

9. There shall be no narcotics, drugs (including tobacco or nicotine products), stimulants, or alcohol used or sold in or about school buildings and premises, nor shall profane language, quarreling, fighting, or illegal gambling be permitted. Violations of this rule by any organization during occupancy shall be sufficient cause for denying further use of school premises to the organization.

10. Wax or other preparations ordinarily used on dance floors is not to be used on gymnasium floors.

11. The Superintendent may require a school employee to be present during use of the building by the non-school organization. In such case, the requesting organization will pay for the employee expense (i.e., custodians, overtime).

12. When the school official finds it necessary that police or other security personnel be retained for crowd control, such requirement may be added as a condition of the Facilities Use Agreement.

Procedure History:
Promulgated on: 
Reviewed on: 
Revised on:  August 28, 2007, February 23, 2010
Hardin Public Schools

COMMUNITY RELATIONS

Community Schools’ Program

Offerings for Community Education shall be coordinated through the District Administrative Office. Interested persons should contact the Director’s Office to offer their services or to request facility use.

The Director shall publicize available offerings.

Use of District buses shall be limited to school activities.

Policy History:
Promulgated on: July 28, 1998
Reviewed on:
Revised on: August 28, 2007
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R</strong> 5228P</td>
<td>Drug and Alcohol Testing Procedure for School Bus and Commercial Vehicle Drivers</td>
</tr>
<tr>
<td>5231P</td>
<td>Personnel Records</td>
</tr>
<tr>
<td>5232F</td>
<td>Report of Suspected Child Abuse or Neglect</td>
</tr>
<tr>
<td><strong>R</strong> 5328P</td>
<td>Family Medical Leave</td>
</tr>
<tr>
<td>5420F</td>
<td>ESSA Qualifications Notification Request Form</td>
</tr>
</tbody>
</table>
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate
medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District’s alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver’s appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four
(24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

**Enforcement**

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

**Return-to-Duty Tests**

A drug or alcohol test shall be conducted when a driver who has violated the District’s drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

**Follow-Up Tests**

A driver who violates the District’s drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just
after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District’s policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and

11. Information concerning the effects of drugs and alcohol on an individual’s health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver’s or a coworker’s); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Procedure History:
Promulgated on: August 28, 2007
Reviewed on:
Revised on:
The District shall maintain a cumulative personnel file in the administrative office for each of its employees, as required by the Office of Public Instruction and current personnel policies. These records are not to leave the administrative office except as specifically authorized by the Superintendent, and then only by signed receipt. Payroll records are maintained separately.

Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee’s work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

No material derogatory to an employee’s conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Superintendent, as indicated by the Superintendent’s initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the Superintendent shall take reasonable steps to obtain the employee’s initials or signature verifying that the employee has received a copy of the material. If the employee refuses to sign the document indicating that the employee has had an opportunity to read it, the Superintendent will place an addendum to the document, noting that the employee was given a copy but refused to sign. The Superintendent will date and sign the addendum.

Disposition of Personnel Files

An employee, upon termination, may request transcripts of college and university work. Any confidential college or university placement papers shall be returned to the sender or destroyed at the time of employment. All other documents shall be retained and safeguarded by the District for such periods as prescribed by law.

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:

   A. Name in full (same name as used for Social Security);
   B. Employee’s home address, including zip code;
   C. Date of birth if under the age of nineteen (19);
   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.

2. Additional records required for non-exempt employees:
   A. Regular hourly rate of pay during any week when overtime is worked;
   B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
   C. Hours worked in any workweek (or work period in case of §207[k]);
   D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
   E. Total overtime premium pay for a workweek;
   F. Date of payment and the pay period covered;
   G. Total deductions from or additions to wages each pay period;
   H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
   I. Number of hours of compensatory time earned each pay period;
   J. Number of hours of compensatory time used each pay period;
   K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
   L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

All records obtained in the application and hiring process shall be maintained for at least two (2) years.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
§§ 2-6-101, et seq., MCA Public Records
24.9.805, ARM Employment Records

Procedure History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Hardin Public Schools

PERSONNEL

Hardin Public Schools
Report of Suspected Child Abuse or Neglect
Hot Line Number – 866-820-5437

Original to: Department of Public Health and Human Services
Copy to: Building Principal

From: ______________________________
Title: ______________________________

School: ______________________________
Phone: ______________________________

Persons contacted: □ Principal  □ Teacher  □ School Nurse  □ Other __________________

Name of Minor: ____________________________
Date of Birth: ____________________________

Address: ______________________________
Phone: ______________________________

Date of Report: __________
Attendance Pattern: ______________________________

Father: ____________________________
Address: ______________________________
Phone: ____________________________

Mother: ____________________________
Address: ______________________________
Phone: ____________________________

Guardian or
Stepparent: ____________________________
Address: ______________________________
Phone: ____________________________

Any suspicion of injury/neglect to other family members: ______________________________

Nature and extent of the child’s injuries, including any evidence of previous injuries, and any
other information which may be helpful in showing abuse or neglect, including all acts which
lead you to believe the child has been abused or neglected: ______________________________

______________________________________________________________________________

Previous action taken, if any: ______________________________

______________________________________________________________________________

Follow-up by Department of Public Health and Human Services (DPHHS to complete and return
copy to the Building Principal):

Date Received: _________________
Date of Investigation: ________________
Family Medical Leave

Who Is Eligible

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks or twenty-six (26) weeks leave with continuing participation in the District’s group insurance plan.

Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

a. To care for the employee’s child after birth, or placement for adoption or foster care;
b. To care for the employee’s spouse, child, or parent (does not include parents-in-law) who has a serious health condition; or
c. For a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave

a. military caregiver leave
   1. an eligible employee who is a relative of a servicemember can take up to 26 weeks in a 12 month period in order to care for a covered servicemember who is seriously ill or injured in the line of duty.

b. qualified exigency leave (only applies to eligible employees with family members who are in the National Guard or Reserves, not the Regular Armed Forces
   1. An eligible employee can take up to the normal 12 weeks of leave if a family member who is a member of the National Guard or Reserve is call up to active duty on a contingency mission.
   2. Qualifying Exigencies include:
      a. Short-notice deployment
      b. Military events and related activities
      c. Childcare and school activities
      d. Financial and legal arrangements
      e. Counseling
Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
d. Whenever appropriate workers’ compensation absences shall be designated FMLA leave.
e. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

When Both Parents Are District Employees

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken: (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve (12) month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.

Employee Notice Requirement

The employee must follow the employer’s standard notice and procedural policies for taking FMLA.

Employer Notice Requirement (29 C.F.R. §825.300)

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the
employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide th employee with a designation notice stating the amount of leave that will be counted against an employee’s FMLA entitlement.

**Notice For Leave Due To Active Duty Of Family Member**

In any case in which the necessity for leave is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**Requests**

A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

An employer may require that a request for leave be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.

**Medical Certification**

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second or third opinions (at the employer’s expense) and a fitness-for-duty report or return-to-work statement.

**Intermittent/Reduced Leave**

FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with District approval. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District’s payroll system uses to account for absences or use of leave.
Insurance

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease.

Return

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Recordkeeping

Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

Summer Vacation

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

a. The leave is at least three (3) weeks; and
b. The employee’s return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:
a. The leave is longer than two (2) weeks; and  
b. The employee’s return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than three (3) weeks before the end of term, the District may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave

Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the District to:

a. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or  
b. Transfer to an alternate but equivalent position.

Procedure History:
Promulgated on:  
Reviewed on:  
Revised on: June 24, 2008, May 12, 2009
Dear Parent/Guardian,

Because our District receives federal funds for Title I programs as a part of the Every Student Succeeds Act (ESSA), you may request information regarding the professional qualifications of your child’s teacher(s) and paraprofessional(s), if applicable.

If you would like to request this information, please contact _____________________________ by phone at ___________________________ or by e-mail at ___________________________.

Sincerely, _________________________________

Principal/designee
HARDIN PUBLIC SCHOOLS

6000 SERIES
ADMINISTRATION

TABLE OF CONTENTS

Procedures

R  6110P  Superintendent – Board Responsibilities
   6121P  District Organization Chart
**The Board will:**

- Select the Superintendent and delegate to him/her all necessary administrative powers.
- Adopt policies for the operations of the school system and review administrative procedures.
- Formulate a statement of goals reflecting the philosophy of the District.
- Adopt annual objectives for improvement of the District.
- Approve courses of study.
- Approve textbooks.
- Approve the annual budget.
- Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.
- Authorize the allocation of certificated and classified staff.
- Approve contracts for major construction, remodeling, or maintenance.
- Approve payment of vouchers and payroll.
- Approve proposed major changes of school plant and facilities.

**The Superintendent will:**

- Serve as chief executive officer of the District.
- Recommend policies or policy changes to the Board and develop procedures which implement Board policy.
- Provide leadership in the development, operation, supervision, and evaluation of the educational program.
- Recommend annual objectives for improvement of the District.
- Recommend courses of study.
- Recommend textbooks.
- Prepare and submit the annual budget.
- Recommend candidates for employment as 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.
- Recommend contracts for major construction, remodeling, or maintenance.
- Recommend payment of vouchers and payroll.
- Prepare reports regarding school plant and facilities needs.
<table>
<thead>
<tr>
<th>The Board will:</th>
<th>The Superintendent will:</th>
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</thead>
<tbody>
<tr>
<td>Assure that appropriate criteria and processes for evaluating staff are in place.</td>
<td>Establish criteria and processes for evaluating staff.</td>
</tr>
<tr>
<td>Appoint citizens and staff to serve on special Board committees, if necessary.</td>
<td>Recommend formation of <em>ad hoc</em> citizens’ committees.</td>
</tr>
<tr>
<td>Conduct regular meetings.</td>
<td>As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.</td>
</tr>
<tr>
<td>Serve as final arbitrator for staff, citizens, and students.</td>
<td>Inform the Board of appeals and implement any such forthcoming Board decisions.</td>
</tr>
<tr>
<td>Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.</td>
<td>Respond and take action on all criticism, complaints, and suggestions, as appropriate.</td>
</tr>
<tr>
<td>Authorize the ongoing professional enrichment of its administrative leader, as feasible.</td>
<td>Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.</td>
</tr>
<tr>
<td>Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.</td>
<td>Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.</td>
</tr>
</tbody>
</table>

**Procedure History:**
Promulgated on:  
Reviewed on:  
Revised on:  August 28, 2007
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Procedures

7231P    Federal Impact Funds
7251P    Disposal of Surplus Equipment and/or Materials
7330F    Payroll Procedures – Schedules Form
Federal Impact Funds

The Board adopts the following procedures as required by Title VIII (Impact Aid Program) of the Elementary and Secondary Education Act:

The Board recognizes the establishment of an Indian Advisory Committee to function under a constitution and bylaws approved by the Committee and the Board. Membership on the committee board will be open to but not limited to guardians and legal representatives of children residing on Indian lands.

The Indian Advisory Committee will serve in an advisory capacity to the Board and the administration of School District 17H and 1, in matters concerning applications, evaluations, and plans of education for Indian children.


The committee will also serve as the liaison between the District and parents of Indian children. Any parent may contact any member of the Board or attend any of the regularly scheduled meetings to express concerns or views on the District’s educational program and its operations. If action is requested, a representative of the District’s administration or the Chairman of the Indian Advisory Committee will pursue the matter to the Superintendent or the Board.

Parental input will be solicited by the District from the Indian Advisory Committee and in turn their parent constituency on programmatic plans and applications. The Committee’s recommendations will be submitted to the Board prior to Board action. A public hearing will be held to provide a second opportunity for input as required by statute or regulation for federal funding of education programs. Notice of the hearing will be published in the Hardin Herald, and communications will be sent home periodically with the children of the District. Copies of all programs directly affecting Indian education will be available for public inspection at a cost not to exceed the cost of duplication.


34 CFR 222.94 What provisions must be included in a local educational agency’s Indian policies and procedures?

Procedure History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
Disposal of Surplus Equipment and/or Materials

The procedure for the sale of obsolete and/or surplus equipment, supplies, furniture, and other District personal property is as follows:

1. The principal or department advisor shall supply a written rationale which supports the obsolescence of the item.

2. All other departments and/or buildings shall have the opportunity to view the item during a two-(2)-week period.

3. If the item is not claimed during the two-(2)-week period, a value shall be placed on the item by two (2) staff members who are familiar with items of a similar nature. The value of textbooks shall be established as follows:

<table>
<thead>
<tr>
<th>New Books Purchased During Current Term</th>
<th>Full Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Books 2 years old</td>
<td>80%</td>
</tr>
<tr>
<td>3 years old</td>
<td>60%</td>
</tr>
<tr>
<td>4 years old</td>
<td>40%</td>
</tr>
<tr>
<td>Over 4 years old</td>
<td>20%</td>
</tr>
</tbody>
</table>

4. The remaining items shall be available for purchase by the general public.

5. The District shall publicize the sale, which shall be open to the general public.

6. The Board shall specify the nature and conduct of any sale of property which exceeds the limits specified in Policy 7251.

Policy History:
Promulgated on:
Reviewed on:
Revised on: August 28, 2007
### Hardin Public Schools

**FINANCIAL MANAGEMENT**

**PAYROLL PROCEDURES / SCHEDULES**

*(Deferred Wage Payment Election Form)*

By my signature I hereby acknowledge that I have read and understand the School District's policy on deferred wages. Furthermore, by my signature on this form I am electing to defer payment of my wages on an annualized basis consisting of ____________ payments. I understand that any change from an annualized election of payment requires that I notify the District prior to the beginning of duty for the fiscal year in which the change is being given.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printed name</th>
<th>Date signed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Policy History:**

Adopted on: February 26, 2008

Reviewed on:

Revised on:
8000 SERIES
NON-INSTRUCTIONAL OPERATION

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<th>Service Animals</th>
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</thead>
<tbody>
<tr>
<td>8425F</td>
<td>Service Animals in School District Facilities Form</td>
</tr>
</tbody>
</table>
Service Animals in District Facilities

Please provide the following information about the service animal.

1. Parent/Staff and/or emergency contact information: ____________________________________________

2. Type of service animal (breed, age, and history): ____________________________________________

3. Insurance company insuring the service animal: ____________________________________________
   Attached proof of insurance: □ Received □ Not Received

4. Agent name and address: __________________________________________

5. Phone number: __________________________________________
   Proof of current and proper vaccinations: □ Received □ Not Received
   Documentation of Public Access Test (PAT): □ Received □ Not Received

8. Name of trainer or organization who administered the PAT: _________________________________

9. Address of trainer or organization: ______________________________________________________

10. Phone number of trainer or organization: ________________________________________________

11. List and attach any letters or other documentation from medical providers or other service providers regarding the student’s/staff’s need for the service animal: ________________________________
    □ Received □ Not Received

12. Has the student/staff member requesting use of the animal been trained as the animal’s handler? □ Yes □ No
    If no, who will act as the trained handler for the animal during the school/work day? ____________

13. Is the student/staff able to independently care for the service animal’s needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.) □ Yes □ No

14. Describe the manner in which the service animal will meet the student’s/staff’s individual needs:

_____________________________________________________________________________________
_____________________________________________________________________________________
Service Animal Allowance Procedure

The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Miniature horses assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Policy History:
Promulgated on: 7/12/2011
Reviewed on:
Revised on: