

## **GARDINER SCHOOL DISTRICT**

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**THE BOARD OF TRUSTEES**

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Legal Status, Operation and Organization

The legal name of this District is Gardiner School Districts # 7 & 4, Park County, State of Montana. The District is classified as a class C district and is operated according to the laws and administrative rules pertaining to a class C district.

The Board of Trustees of Gardiner School Districts # 7 & 4 is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District's operations.

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

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

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

Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-6-101, MCA	Definition of elementary and high school districts
	§ 20-6-201, MCA	Elementary district classification
	§ 20-6-301, MCA	High school district classification
	§ 20-9-309, MCA	Basic system of free quality education
		Administrative Rules of Montana
	Article X, Section 8,	MT Constitution

Policy History:

Adopted on: 12-10-2014

Reviewed on:

Revised on:

## THE BOARD OF TRUSTEES

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Membership

The District is governed by a Board of Trustees consisting of five (5) Board members and one (1) nonvoting Mammoth representative. The Board of Trustees of District 7 will consist of six (6) members. Five (5) members will reside within the legal boundaries of District 7, and one (1) will be a nonvoting Mammoth representative. The Board of Trustees of District 4 will consist of the six (6) members of the Board of Trustees of District 7. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management and government of the public schools. 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. Official action by Board members 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.

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

Legal References:	' 20-3-301, MCA	Election and term of office
	' 20-3-302, MCA	Legislative intent to elect less than majority of trustees
	' 20-3-305, MCA	Candidate qualification and nomination
	' 20-3-306, MCA	Conduct of election
	' 20-3-307, MCA	Qualification and oath
	' 20-3-341, MCA	Number of trustee positions in elementary districts B transition
	' 20-3-344, MCA	Nominating of candidates by petition in first-class elementary district
	' 20-3-351, MCA	Number of trustee positions in high school districts
	' 20-3-352, MCA	Request and determination of number of high school district additional trustee positions B nonvoting trustee
	' 20-3-361, MCA	Joint board of trustees organization and voting membership

Policy History:

Adopted on:

Revised on: 2/13/13



**Gardiner School District**

**THE BOARD OF TRUSTEES**

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Taking Office

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
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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: 10/14/2015

Revised on: 10/14/2015

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4  
5 Elections

6  
7 Elections conducted by the District are nonpartisan and are governed by applicable election laws  
8 as found in Titles 13 & 20 of the Montana Code Annotated. The ballot at such elections may  
9 include candidates for trustee positions, various public policy propositions, and advisor  
10 questions.

11  
12 Board elections shall take place on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in May of  
13 each year. Any person who is a qualified voter of the District is legally qualified to become a  
14 trustee. The declaration of intent to be a candidate must be submitted to the District Clerk at  
15 least forty (40) days before the regular school election day. If different terms are to be filled, the  
16 term for the position for which the candidate is filing must also be indicated. Any person  
17 seeking to become a write-in candidate for a trustee position shall file a declaration of intent no  
18 later than 5:00 p.m. on the day before the ballot certification deadline in 20-20-401.

19  
20 If the number of candidates filing for vacant positions or filing a declaration of intent to be a  
21 write-in candidate is equal to or less than the number of positions to be elected, the trustees may  
22 give notice no later than thirty (30) days before the election that a trustee election will not take  
23 place. If a trustee election is not held, the trustees shall declare the candidates elected by  
24 acclamation and shall issue a "certificate of election" to each candidate.

25  
26 A candidate intending to withdraw from the election shall send a statement of withdrawal to the  
27 clerk of the district containing all information necessary to identify the candidate and the office  
28 for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk  
29 of the district. A candidate may not withdraw after 5:00 p.m. the day before the ballot  
30 certification deadline in 20-20-401.

31  
32 Except in the event of an unforeseen emergency occurring on the date scheduled for the election,

33  
34 In the event of an unforeseen emergency occurring on the date scheduled for funding the  
35 election, the district will be allowed to reschedule the election for a different day of the calendar  
36 year.

37  
38 In years when the Legislature meets in regular session or in a special session that affects school  
39 funding, the trustees may order the election on a date other than the regular school election day  
40 in order for the electors to consider a proposition requesting additional funding under § 20-9-  
41 353, 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 – limitation – exception
	§ 20-20-204, MCA	Election Notice
	§ 20-20-301, MCA	Qualifications of elector

Policy History:

Adopted on:

Reviewed on: 10/14/2015

Revised on: 10/14/2015

1 **Gardiner School District**

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3 **THE BOARD OF TRUSTEES**

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4  
5 Candidate Orientation

6  
7 Candidates for appointment or election to the Board shall be urged to attend public meetings of  
8 the Board. All public information about the school system shall be made available to them.  
9 Additionally, the Board directs the Superintendent to cooperate impartially with all candidates in  
10 providing them with information about school governance, Board operations, and school  
11 programs.

12  
13 Notices of candidates' meetings that are sponsored by impartial, non-partisan organizations may  
14 be announced in District publications and/or be sent home with students. The following  
15 procedures shall be followed:

- 16  
17 1. If a candidate is scheduled to appear or speak as a part of a school-sponsored program, all  
18 candidates for that position shall be invited to attend or to send representatives;  
19  
20 2. The school will not send home partisan materials through the students; and  
21  
22 3. The Superintendent shall invite all candidates to an information session. Each candidate  
23 will be given the same materials and information at these sessions.

24  
25 The Board considers it important that a new member be knowledgeable about  
26 school governance and operations and, insofar as possible, prepared to discuss  
27 and cast informed votes on matters as soon as possible.

28  
29 Incumbent Board members and staff will help new Board members become fully  
30 informed about the Board's functions, policies, procedures, and problems.

31  
32  
33  
34 Procedure History:

35 Promulgated on:

36 Reviewed on: 10/14/2015

37 Revised on: 10/14/2015

1 **Gardiner School District**

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1112

4  
5 Resignation

6  
7 Resignation of a trustee, for whatever reason, must be submitted in writing and addressed to the  
8 Clerk. A resignation is effective seventy-two (72) hours after its submission unless withdrawn  
9 during that period by the resigner through written notification of withdrawal made to the Clerk.

10  
11 The Board will ratify the resignation at its next regularly scheduled meeting and will proceed to  
12 fill the vacancy as provided by statute and Policy 1113.

13  
14 Trustees retiring from the Board may be recognized for their service to the District by  
15 presentation of a service plaque or other appropriate activities.

16  
17  
18  
19 Cross Reference: 1113 Vacancies

20  
21 Legal Reference: ' 2-16-502, MCA Resignations  
22 ' 20-3-308, MCA Vacancy of trustee position

23  
24 Policy History:

25 Adopted on:

26 Revised on:

1 **Gardiner School District**

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3 **THE BOARD OF TRUSTEES**

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4  
5 Vacancies

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

- 9  
10 1. Death of the incumbent;  
11 2. Resignation, in writing, filed with the Clerk;  
12 3. Incumbent moves out of the nominating district, establishing residence elsewhere;  
13 4. Incumbent is no longer a registered elector of the District under the provisions of ' 20-  
14 20-301, MCA;  
15 5. Incumbent is absent from the District for sixty (60) consecutive days;  
16 6. Incumbent fails to attend three (3) consecutive meetings of the trustees without good  
17 reason;  
18 7. Incumbent has been removed under the provisions of ' 20-3-310, MCA; or  
19 8. Incumbent ceases to have the capacity to hold office under any other provision of law.  
20

21 A trustee position also shall be vacant when an elected candidate fails to qualify.  
22

23 When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill  
24 such vacancy by appointment. The Board will receive applications from any qualified persons  
25 seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate  
26 to fill the position.  
27

28 Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the  
29 county superintendent shall appoint, in writing, a competent person to fill such vacancy. An  
30 appointee shall qualify by completing and filing an oath of office with the county superintendent  
31 within fifteen (15) days after receiving notice of the appointment and shall serve until the next  
32 regularly scheduled school election and a successor has qualified.  
33  
34  
35

36 Cross Reference: 1240 Duties of Individual Trustees

37  
38 Legal References: ' 20-3-308, MCA Vacancy of trustee position  
39 ' 20-3-309, MCA Filling vacated trustee position B appointee  
40 qualification and term of office  
41

42 Policy History:

43 Adopted on:

44 Revised on:

1 **Gardiner School District**

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1113P

4  
5 Vacancies

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

- 10  
11 1. Announcement of the vacancy and the procedure for filling it will be made in the  
12 Gardiner and Mammoth communities.  
13  
14 2. All citizens shall be invited to nominate candidates for the position, provided that the  
15 nominees shall be residents of the District. A letter of application will be required of  
16 interested candidates.  
17  
18 3. The Board shall individually interview the finalists in a regular or special meeting and  
19 appoint the candidate who, in the judgment of the Board, is most likely to contribute to  
20 the growth and development of the District=s education programs and operations. All  
21 trustees shall vote on the candidate of their choice.  
22  
23 4. If no one candidate receives a majority of the votes, the Board may:  
24  
25 a. Discuss all candidates and vote again;  
26  
27 b. Discuss all candidates and vote only on those candidates with the most votes; or  
28  
29 c. Continue voting until one (1) candidate receives a majority vote.  
30  
31 5. The Board Clerk shall prepare, for the signatures of all trustees, a letter thanking all  
32 candidates for the position and commending them for their interest in the District.  
33  
34  
35

36 Procedure History:

37 Promulgated on:

38 Revised on:

1 **Gardiner School District**

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3 **THE BOARD OF TRUSTEES**

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4  
5 Annual Organization Meeting

6  
7 After issuance of election certificates to newly elected trustees, but no later than 15 days after the  
8 election, the Board shall elect from among its members a Chairperson-and a Vice- Chairperson  
9 to serve. until the next annual organizational meeting. If a Board member is unable to continue to  
10 serve as an officer, a replacement shall be elected at the earliest opportunity to serve the  
11 remainder of the term. In the absence of both the Chairperson and the Vice-Chairperson, the  
12 Board shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson  
13 during the latter's absence. The Clerk shall act as Board secretary.

14  
15 The normal order of business shall be modified for the annual organizational meeting by  
16 considering the following matters after the approval of the minutes of the previous meeting:

- 17  
18 1. Welcome and introduction of newly elected Board members by the current Chairperson  
19  
20 2. Swearing in of newly elected trustees  
21  
22 3. Call for nominations for Chairperson to serve during the ensuing year  
23  
24 4. Election of a Chairperson  
25  
26 5. Assumption of office by the new Chairperson  
27  
28 6. Call for nominations for Vice Chairperson to serve during the ensuing year  
29  
30 7. Election of a Vice Chairperson  
31  
32 8. Appointment of a Clerk

33  
34 Legal References: § 20-3-321, MCA Organization and officers  
35 § 20-3-322(a), MCA Meetings and quorum

36 Reviewed on: 9/14/16

37 Adopted on:10/12/16

38 Revised on:



1 **Gardiner School District**

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3 **THE BOARD OF TRUSTEES**

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4  
5 Committees

6  
7 Generally, trustees will function as a whole and will not form committees of the Board.  
8 Nevertheless, the Board may create Board committees as deemed necessary or useful. All  
9 committees created by the Board comply with the open meeting laws and all other laws  
10 applicable to school board meetings.

11  
12 Committees of the Board may be created and their purposes defined by a majority of the Board.  
13 The Board Chairperson shall appoint trustees to serve on such committees. Trustees serving on  
14 committees shall be limited to fewer than a majority of the Board.  
15  
16  
17  
18  
19

20 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations  
21 of public agencies to be open to public – exceptions  
22 *Bryan v. Yellowstone* (2002), 2002 MT 264  
23 *Crofts v. Associated Press* (2004), 2004 MT 120  
24

25 Policy History:

26 Adopted on:

27 Reviewed on: 9/14/16

28 Revised on: 10/12/16

2  
3 **THE BOARD OF TRUSTEES**

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4  
5 Qualifications, Terms, and Duties of Board Officers

6  
7 The Board officers are the Chairperson and Vice Chairperson. These officers are elected at the annual  
8 organizational meeting.

9  
10 Chairperson

11  
12 The Board elects a Chairperson from its members for a one-(1)-year term according to § 20-3321. The  
13 duties of the Chairperson include the following:

- 14  
15 • Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;  
16 • Make all Board committee appointments; subject to Board approval;  
17 • Sign all papers and documents as required by law and as authorized by action of the Board;  
18 • Close Board meetings as authorized by Montana law; and  
19 • Act as spokesperson for the Board.

20  
21 The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board  
22 members, including the right to participate in debate and to vote. The Chairperson may not make a  
23 motion, but may second motions.

24  
25 Vice Chairperson

26  
27 The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and shall  
28 perform all the duties of the Chairperson during the Chairperson's absence or unavailability. The Vice  
29 Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson  
30 may delegate.

31  
32

33	Cross Reference:	Policy 1120	Annual Organizational Meeting
34	Legal References:	§ 2-3-203, MCA	Meetings of public agencies and certain
35			associations of public agencies to be open to
36			public – exceptions
37		§ 20-3-321(2), MCA	Organization and officers
38		§ 20-3-351(1)(a), MCA	Number of trustee positions in high school
39			districts
40		§ 20-3-352(2), MCA	Request and determination of number of high
41			school district additional trustee positions –
42			nonvoting trustee

43

44 Policy History:

45 Adopted on: 12/14/16

46 Reviewed on: 11/9/16

47 Revised on: 11/9/16

# 1 Gardiner School District

## 3 THE BOARD OF TRUSTEES

1230

5 Clerk

7 The Clerk of the Board shall attend all meetings of the Board, unless excused by the  
8 Chairperson, and shall keep an accurate and permanent record of all proceedings. The Clerk  
9 shall have custody of the records, books, and documents of the Board. In the absence or inability  
0 of the Clerk to attend a Board meeting. The trustees will have one (1) of their members or a  
1 District employee act as clerk for the meeting, and said person will supply the Clerk with a  
2 certified copy of the proceedings.

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

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

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

9	Legal references:	§ 20-3-321, MCA	Organization and officers
0		§ 20-3-325, MCA	Clerk of district
1		§ 20-4-201, MCA	Employment of teachers and specialists by contract
2		§ 20-9-133, MCA	Adoption and expenditure limitations of final
3			budget
4		§ 20-9-165, MCA	Budget amendment limitation, preparation, and
5			adoption procedures
6		§ 20-9-221, MCA	Procedure for issuance of warrants
7		§ 20-20-401(2), MCA	Trustees' election duties – ballot certification

## Policy History:

40 Adopted on: 12/14/16

41 Reviewed on: 11/9/16

Revised on:11/9/16

## THE BOARD OF TRUSTEES

1240

Duties of Individual Trustees

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

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

All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chairperson or Superintendent, of the trustee's inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so. The Board shall declare a position vacant after three (3) consecutive unexcused absences from regular Board meetings, or when a trustee has been absent from the District for sixty (60) consecutive days.

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

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on:

Reviewed on: 1/11/17

Revised on: 2/8/17

2  
3 **THE BOARD OF TRUSTEES**

1310

4  
5 District Policy and Procedures

6  
7 Adoption and Amendment of Policies

8 Proposed new policies and proposed changes to existing policies shall be presented in writing for reading  
9 and discussion at a regular or special Board meeting. Interested parties may submit views, present data or  
10 arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement  
11 by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to  
12 the final reading. The final vote for adoption shall take place not earlier than at the second  
13 (2<sup>nd</sup>) reading of the particular policy except in the case of an emergency. New or revised policies that are  
14 required, or have required language changes based on State or Federal law, or are required changes by  
15 administrative rule, may be adopted after the first (1<sup>st</sup>) reading if sufficient notice has been given through  
16 the board agenda.

17  
18 All new or amended policies shall become effective on adoption; unless a specific effective date is stated  
19 in the motion for adoption.

20  
21 Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was  
22 taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed  
23 on a regular basis.

24  
25 Policy Manuals

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

29  
30 Suspension of Policies

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

35  
36 Administrative Procedures

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

39  
40 When a written procedure is developed, the Superintendent shall submit it to the Board as an information  
41 item.

42  
43 Legal References:        § 20-3-323, MCA        District policy and record of acts  
44                                10.55.701, ARM        Board of Trustees

45 Policy History:

46 Adopted on:

47 Reviewed on: 1/11/17

48 Revised on: 2/8/17

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1312

4  
5 Administrative Procedures

6  
7 The Superintendent shall develop such administrative procedures as are necessary to ensure  
8 consistent implementation of policies adopted by the Board.

9  
10 When a written procedure is developed, the Superintendent shall submit it to the Board as an  
11 information item. Such procedures usually need not be approved by the Board, although the  
12 Board may revise them, when it appears they are not consistent with Board intentions as  
13 expressed in its policies. On controversial matters the Superintendent shall submit proposed  
14 procedures to the Board for review prior to their adoption.

15  
16  
17  
18 Policy History:

19 Adopted on:

20 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1332

4  
5 Authorization of Signatures

6  
7 For the conduct of the business of the District, the Board may grant authority to specific staff to  
8 sign certain documents on behalf of the District.  
9

10  
11  
12 Policy History:

13 Adopted on:

14 Revised on:

2  
3 **THE BOARD OF TRUSTEES**

1400

page 1 of 2

4  
5 Board Meetings

6  
7 Regular Meetings

8  
9 Unless otherwise specified, all meetings will take place in the Gardiner High School Library.  
10 Regular meetings shall take place at 7:00 p.m. on the second (2<sup>nd</sup>) Wednesday of each month, or  
11 at other times and places determined by a majority vote. Except for an unforeseen emergency,  
12 meetings must be held in a school building or in a publicly owned building located within the  
13 District. If regular meetings are scheduled at places other than as stated above or are adjourned  
14 to times other than the regular meeting time, notice of the meeting shall be made in the same  
15 manner as provided for special meetings. When a meeting date falls on a legal holiday, the  
16 meeting shall take place the next business day.

17  
18 Emergency Meetings

19  
20 In the event of an emergency involving possible personal injury or property damage, the Board  
21 may meet immediately and take official action without prior notification.

22  
23 Budget Meetings

24  
25 Between July 1 and August 4 of each year, the Clerk shall publish a notice stating the date, time,  
26 and place trustees will meet for the purpose of considering and adopting a final budget for the  
27 District, stating that the meeting of the trustees may be continued from day to day until final  
28 adoption of a District budget and that any taxpayer in the District may appear at the meeting and  
29 be heard for or against any part of the budget. This notice shall be published in the *Livingston*  
30 *Enterprise*.

31  
32 On the date and at the time and place stated in the published notice (on or before August 15),  
33 trustees shall meet to consider all budget information and any attachments required by law. The  
34 meeting may continue from day to day; however, the Board must adopt a final budget not later  
35 than the fourth (4<sup>th</sup>) Monday in August.

36  
37 Special Meetings

38  
39 Special meetings may be called by the Chairman or by any two (2) trustees. A written notice of  
40 a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not less  
41 than forty-eight (48) hours before the time of the meeting. Such written notice shall be posted  
42 conspicuously within the District in a manner that will receive public attention. Written notice  
43 also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper  
44 and radio or television station that has filed a written request for such notices. **Business**  
45 **transacted at a special meeting will be limited to that stated in the notice of the meeting.**

46 1400



### Closed Sessions

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

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

### Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1401

4  
5 Records Available to Public

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

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

13  
14 A written copy of Board minutes shall be available to the general public within five (5) working  
15 days following approval of the minutes by the Board. If requested, one (1) free copy of minutes  
16 shall be provided to local media within five (5) working days following approval by the Board.

17  
18 Fees will be charged as follows:

- 19  
20 a) Copy of Board minutes - 15¢ per page  
21  
22 b) Copy of other materials - 25¢ per page  
23  
24 c) Time spent researching a copy project will be charged at the employee=s hourly  
25 rate of pay.  
26  
27  
28

29 Legal References: ' 20-3-323, MCA District policy and record of acts  
30 ' 20-9-213, MCA Duties of trustees  
31

32 Policy History:

33 Adopted on:

34 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1402

4  
5 School Board Use of Electronic Mail

6  
7 Use of electronic mail (e-mail) by members of the Board will conform to the same standards of  
8 judgment, propriety, and ethics as other forms of school board-related communication. Board  
9 members will comply with the following guidelines when using e-mail in the conduct of Board  
10 responsibilities:

- 11
- 12 1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for  
13 other communications or business properly confined to Board meetings.  
14
  - 15 2. Board members will be aware that e-mail and e-mail attachments received or prepared for  
16 use in Board business or containing information relating to Board business may be  
17 regarded as public records, which may be inspected by any person upon request, unless  
18 otherwise made confidential by law.  
19
  - 20 3. Board members will avoid reference to confidential information about employees,  
21 students, or other matters in e-mail communications, because of the risk of improper  
22 disclosure. Board members will comply with the same standards as school employees,  
23 with regard to confidential information.  
24

25  
26  
27 Cross Reference: 1400 Board Meetings  
28 1401 Records Available to Public  
29

30 Legal Reference: § 2-3-103, MCA Public participation – governor to ensure guidelines  
31 adopted  
32 § 2-3-201, MCA Legislative intent – liberal construction  
33 § 2-3-203, MCA Meetings of public agencies and certain associations  
34 of public agencies to be open to public – exceptions  
35 § 20-3-322, MCA Meeting and quorum  
36

37 Policy History:

38 Adopted on: July 1, 2005

39 Reviewed on: October 13, 2010

40 Revised on:

2  
3 **THE BOARD OF TRUSTEES**

1420

page 1 of 3

4  
5 School Board Meeting Procedure

6  
7 Agenda

8  
9 The agenda for any Board meeting shall be prepared by the Superintendent and the Board Chair.  
10 Items submitted by Board members to be placed on the agenda must have prior approval of the  
11 Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must  
12 be received by the Superintendent at least 6 days before the Board meeting, unless of immediate  
13 importance. Individuals who wish to be placed on the Board agenda must also notify the  
14 Superintendent, in writing, of the request. The request must include the reason for the  
15 appearance. If the reason for the appearance is a complaint against any District employee, the  
16 individual filing the complaint must demonstrate that the Uniform Complaint Procedure has been  
17 followed. Citizens wishing to make brief comments about school programs or procedures or  
18 items on the agenda need not request placement on the agenda, and may ask for recognition by  
19 the Chairperson at the appropriate time.  
20

21 The agenda also must include a “public comment” portion to allow members of the general  
22 public to comment on any public matter under the jurisdiction of the District which is not  
23 specifically listed on the agenda, except that no member of the public will be allowed to  
24 comment on contested cases, other adjudicative proceedings, or personnel matters. The Board  
25 Chairperson may place reasonable time limits on any “public comment” period to maintain and  
26 ensure effective and efficient operations of the Board. The Board shall not take any action on  
27 any matter discussed, unless the matter is specifically noticed on the agenda, and the public has  
28 been allowed opportunity to comment.  
29

30 With consent of a majority of members present, the order of business at any meeting may be  
31 changed. Copies of the agenda for the current Board meeting, minutes of the previous Board  
32 meeting, and relevant supplementary information will be prepared and distributed to each trustee  
33 at least twenty-four (24) hours in advance of a Board meeting and will be available to any  
34 interested citizen at the Superintendent’s office twenty-four (24) hours before a Board meeting.  
35 An agenda for other types of Board meetings will be prepared, if circumstances require an  
36 agenda.  
37

38 Consent Agenda

39  
40 To expedite business at its meetings, the Board approves the use of a consent agenda, which  
41 includes those items considered to be routine in nature. Any item that appears on the consent  
42 agenda may be removed by a member of the Board. Any Board member who wishes to remove  
43 an item from the consent agenda must give advance notice in a timely manner to the  
44 Superintendent. Remaining items will be voted on by a single motion. The approved motion  
45 will be recorded in the minutes, including a listing of all items appearing on the consent agenda.  
46

Minutes

The Clerk shall keep written minutes of all open Board meetings, which shall be signed by the Chairperson and the Clerk. The minutes shall 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. Any verbatim record may be destroyed after the minutes have been approved, pursuant to § 20-1-212, MCA.

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) must have a second, must allow for debate, can be amended, and must have a 2/3 vote of the board or a majority vote of the board if previous notice to rescind a motion has been given.

The motion to rescind can be applied to votes on all main motions, with the following *exceptions*: votes cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo; or where it is in the nature of a contract and the other party is informed of the fact; or, where a resignation has been acted upon, or one has been elected to, or expelled from, membership or office, and was present or has been officially notified.

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
	<i>Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005</i>	

### Policy History:

Adopted on: July 1, 2005

Reviewed on: May 10, 2006

Revised on: November 10, 2010

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1425

4  
5 Abstentions From Voting

6  
7 Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting  
8 records of each trustee present. As a general rule trustees should vote on all issues, unless  
9 casting a vote would be a violation of law. Under Montana law, instances in which it would be  
10 unlawful or inappropriate for a trustee to cast a vote on a particular issue include, but are not  
11 necessarily limited to, the following:

- 12  
13 1. When hiring the relative of a trustee;  
14  
15 2. When casting a vote would directly and substantially affect, to its economic benefit, a  
16 business or other undertaking in which the trustee either has a substantial financial  
17 interest or in which the trustee is engaged as counsel, consultant, representative, or agent;  
18  
19 3. When casting a vote would directly and substantially affect a business or other  
20 undertaking to its economic detriment, where a trustee has a substantial personal interest  
21 in a competing firm or undertaking;  
22  
23 4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or  
24 indirectly, in a contract made by the trustee (while acting in the trustee's official  
25 capacity) or by the Board; and  
26  
27 5. When casting a vote would put the trustee in the position of an agent or solicitor in the  
28 sale or supply of goods or services to the District.  
29

30 In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of  
31 impropriety or the appearance of a perceived conflict. If a trustee abstains from voting, the  
32 abstention should be recorded in the minutes and may include an explanation of the reasons for  
33 the abstention. The Board discourages abstentions, unless the reasons are substantiated as  
34 provided herein.  
35

36	Legal References:	§ 2-2-302, MCA	Appointment of relative to office of trust or
37			emolument unlawful – exceptions – publication of
38			notice
39		§ 20-3-323, MCA	District policy and record of acts
40		§ 2-2-121, MCA	Rules of conduct for public officers and public
41			employees
42		§ 2-2-105, MCA	Ethical requirements for public officers and public
43			employees
44		§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling
45			for bids
46		§ 20-1-201, MCA	School officers not to act as agents

47 Policy History:

48 Adopted on:

49 Revised on:

## THE BOARD OF TRUSTEES

1441

Audience Participation

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

Individuals wishing to be heard by the Chairman shall first be recognized by the Chairman. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairman 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 Chairman.**

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution B Right of participation  
Article II, Section 10, Montana Constitution B Right of Privacy  
' ' 2-3-101, et seq., MCA Right of participation

Policy History:

Adopted on:

Revised on:



1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1511

4  
5 Code of Ethics for School Board Members

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

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

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

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

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

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

24  
25 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

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

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

33  
34 Support the employment of those persons best qualified to serve as school staff and insist on  
35 regular and impartial evaluation of staff;

36  
37 Avoid being placed in a position of conflict of interest and refrain from using my Board position  
38 for personal or partisan gain;

39  
40 Avoid compromising the Board or administration by inappropriate individual action or  
41 comments and respect the confidentiality of information that is privileged under applicable law;

42  
43 Remember always that my first and greatest concern must be the educational welfare of students  
44 attending public schools.

45  
46 Policy History:

47 Adopted on:

48 Revised on:

4  
5 Conflict of Interest

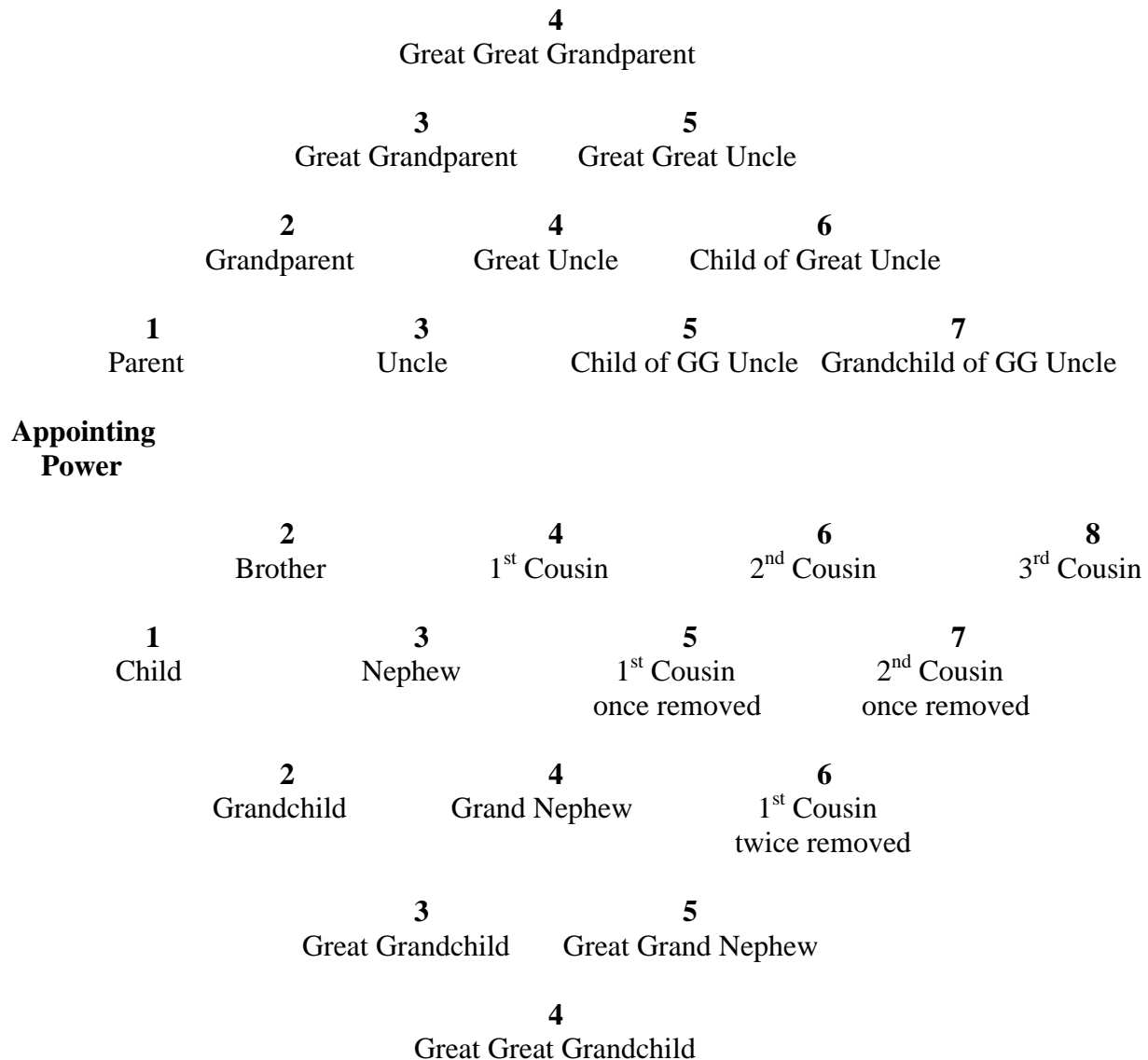
6  
7 A trustee may not:

- 8  
9 1. Engage in a substantial financial transaction for the trustee's private business purpose,  
10 with a person whom the trustee inspects or supervises in the course of official duties.  
11  
12 2. Perform an official act directly and substantially affecting, to its economic benefit, a  
13 business or other undertaking in which the trustee either has a substantial financial  
14 interest or is engaged as counsel, consultant, representative or agent.  
15  
16 3. Act as an agent or solicitor in the sale or supply of goods or services to a district.  
17  
18 4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when  
19 the trustee has more than a ten percent (10%) interest in the corporation. A contract does  
20 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments  
21 or deposits in financial institutions that are in the business of loaning or receiving money,  
22 when such investments or deposits are made on a rotating or ratable basis among  
23 financial institutions in the community or when there is only one (1) financial institution  
24 in the community; or 3) contracts for professional services other than salaried services or  
25 for maintenance or repair services or supplies when the services or supplies are not  
26 reasonably available from other sources, if the interest of any Board member and a  
27 determination of such lack of availability are entered in the minutes of the Board meeting  
28 at which the contract is considered.  
29  
30 5. Be employed in any capacity by the District.  
31  
32 6. Appoint to a position of trust or emolument any person related or connected by  
33 consanguinity within the fourth (4<sup>th</sup>) degree or by affinity within the second (2<sup>nd</sup>) degree.  
34  
35 a. This prohibition does not apply to the issuance of an employment contract to a  
36 person as a substitute teacher who is not employed as a substitute teacher for more  
37 than thirty (30) consecutive school days.  
38 b. This prohibition does not apply to the renewal of an employment contract of a  
39 person related to a Board member, who was initially hired before the Board  
40 member assumed the trustee position.  
41 c. This prohibition does not apply if trustees comply with the following  
42 requirements: 1) All trustees, except the trustee related to the person to be  
43 employed or appointed, vote to employ the related person; 2) the trustee related to  
44 the person to be employed abstains from voting; and 3) the trustees give fifteen  
45 (15) days written notice of the time and place of their intended action in a  
46 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



Degrees of Affinity

		<b>3</b>
		Great Grandfather-in-law
	<b>2</b>	
	Grandfather-in-law	
<b>1</b>		<b>3</b>
Father-in-law		Uncle-in-law
<b>Spouse of Appointing Power</b>	<b>2</b>	
	Brother-in-law	
<b>1</b>		<b>3</b>
Step Child		Nephew-in-law
	<b>2</b>	
	Step Grandchild	
		<b>3</b>
		Step Great Grandchild

Policy History:

Adopted on:

Revised on:

2  
3 **THE BOARD OF TRUSTEES**

1513

4  
5 Management Rights

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

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

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

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

30  
31  
32  
33 Cross Reference: 6110 Superintendent

34  
35 Legal Reference: ' 20-3-324, MCA Powers and duties  
36 ' 39-31-303, MCA Management rights of public employers

37  
38 Policy History:

39 Adopted on:

40 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1520

4  
5 Board/Staff Communications

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

10  
11 Staff Communications to the Board

12  
13 The School Board and the Superintendent work as a team. All official communications or reports to the  
14 Board, from principals, supervisors, teachers, or other staff members, will be shared with every member  
15 of the team in order to maintain transparent and open communication. Official communications are  
16 matters pertaining to action or information items on board meeting agendas and shall be submitted  
17 through the Superintendent or Board President so the item can be placed in the Board Packet. This  
18 procedure shall not deny any staff member the right to appeal to the Board from administrative decisions,  
19 provided that the Superintendent shall have been notified of the forthcoming appeal and that it is  
20 processed according to the applicable procedures for complaints and grievances.

21  
22 Board Communications to Staff

23  
24 All official communications, policies, and directives of staff interest and concern will be communicated to  
25 staff members through the Superintendent. The Superintendent will employ all such media as are  
26 appropriate to keep staff fully informed of Board concerns and actions.

27  
28 Visits to Schools

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

35  
36 Social Interaction

37  
38 Staff and Board members share a keen interest in schools and education. When they meet at social affairs  
39 and other functions, informal discussion about such matters as educational trends, issues, and innovations  
40 and general District problems can be anticipated. **Discussions of personalities or staff grievances are**  
41 **not appropriate.**

42  
43 Legal Reference:           § 20-3-324(22), MCA           Powers and duties

44  
45 Policy History:

46 Adopted on: 6/15/17

47 Reviewed on:

48 Revised on:

2  
3 **THE BOARD OF TRUSTEES**

1521

4  
5 Board-Superintendent Relationship

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

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

16  
17  
18  
19 Cross Reference: 6110 Superintendent

20  
21 Legal Reference: ' 20-4-401, MCA Appointment and dismissal of district  
22 superintendent or county high school principal  
23 ' 20-4-402, MCA Duties of district superintendent or county high  
24 school principal  
25

26 Policy History:

27 Adopted on:

28 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1531

4  
5 Trustee Expenses

6  
7 Expenses for Board Members - In-District

8  
9 A trustee shall not receive remuneration for service as a trustee. Trustees living more than three  
10 (3) miles from the meeting place shall be entitled to be reimbursed for mileage at the rate  
11 stipulated in § 2-18-503, MCA, for each mile of travel between their homes and the meeting  
12 place for each meeting of the Board or for any meeting called by the county superintendent.  
13 Reimbursement may be paid as the travel is assumed or may accumulate until the end of the  
14 fiscal year, at the discretion of the trustee.

15  
16 Expenses for Board Members at Out-of-District Meetings

17  
18 Trustees normally attend workshops, training institutes, and conferences at both the state and  
19 national levels. The District will pay all legitimate costs for trustees to attend out-of-District  
20 meetings, at established rates for reimbursement set by the District:

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

31 In any instance where a trustee would choose to accept a flat-fee reimbursement for  
32 expenditures, as opposed to the itemized approach outlined above, the amount of the flat fee will  
33 be the sum of the following:

- 34 1. Quoted airline ticket price;  
35 2. Quoted single room lodging price at the convention headquarters hotel;  
36 3. At the per-day rate approved for the District;  
37 4. A modest estimate of all other expenses.  
38

39 The trustee may either request a flat-fee advance prior to attending the meeting or may use the  
40 itemized approach outlined above. In the latter case the trustee may receive a partial advance  
41 prior to the meeting and then submit a claim for travel expenses for the remainder of the costs  
42 upon return from the meeting.  
43

44 Cross Reference: 7336 Travel Allowances and Expenses

45  
46 Policy History:

47 Adopted on:

48 Revised on:



1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1532

4  
5 Trustee Insurance

6  
7 The District shall maintain sufficient insurance to protect the Board and its individual members  
8 against liability arising from actions of the Board or its individual members while each is acting  
9 on behalf of the District and within the trustee=s authority.

10  
11  
12  
13 Legal References: ' 20-3-331, MCA Purchase of insurance B self-insurance plan  
14 ' 20-3-332, MCA Personal immunity and liability of trustees  
15

16 Policy History:

17 Adopted on:

18 Revised on:

2  
3 **THE BOARD OF TRUSTEES**

1610

4  
5 Annual Goals and Objectives

6  
7 Each year the Board will formulate annual objectives for the District and will have available a  
8 written comprehensive philosophy of education with goals that reflect the District=s philosophy  
9 of education. The philosophy of education and goals shall be in writing and shall be available to  
10 all.

11  
12 At the conclusion of the year, the Superintendent shall submit a report to the Board which  
13 reflects the degree to which annual objectives have been accomplished.

14  
15  
16  
17 Legal Reference: 10.55.701, ARM Board of Trustees

18  
19 Policy History:

20 Adopted on:

21 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1620

4  
5 Evaluation of Board

6  
7 At the conclusion of each year, the Board may evaluate its own performance in terms of  
8 generally accepted principles of successful Board operations.  
9

10 The Board may choose to evaluate the effectiveness of the processes it employs in carrying out  
11 the responsibilities of the District. Those processes include, but are not limited to: team  
12 building, decision making, functions planning, communications, motivation, influence, and  
13 policy.  
14  
15  
16

17 Policy History:

18 Adopted on:

19 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1621

4  
5 In-Service Conference for Trustees

6  
7 In keeping with the need for continued boardsmanship development, the Board encourages the  
8 participation of its members at appropriate Board conferences, workshops, conventions, and  
9 District-sponsored in-service training sessions. Funds for participation at such meetings will be  
10 budgeted on an annual basis.

11  
12  
13  
14 Policy History:

15 Adopted on:

16 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1630

4  
5 Liaison With School Boards Association

6  
7 The Board is permitted to join the Montana School Boards Association (MTSBA). Since  
8 MTSBA provides services in response to members= needs and develops and implements  
9 legislative programs at the direction of its members, Board members are encouraged to  
10 participate in MTSBA governance.

11  
12  
13  
14 Policy History:

15 Adopted on:

16 Revised on:

1 **Gardiner School District**

2  
3 **THE BOARD OF TRUSTEES**

1640

4  
5 Board Participation in Activities

6  
7 Members of the Board, collectively and individually, are encouraged to attend school activities,  
8 social functions, and instructional programs at no cost to the trustees, in order to view and  
9 observe such functions in operation. Attendance at such programs as musical presentations,  
10 speech activities, clubs, dramatic productions, and athletic events, indicates interest in school  
11 affairs and provides opportunity for more comprehensive understanding of the total school  
12 program. Administration will provide appropriate communications to trustees to keep them  
13 informed about activities they may wish to attend.  
14

15  
16  
17 Policy History:

18 Adopted on:

19 Revised on:

3  
4 **THE BOARD OF TRUSTEES**

1700

page 1 of 3

5  
6 Uniform Complaint Procedure  
7

8 The Board establishes this Uniform Complaint Procedure as a means to address complaints  
9 arising within the District. This Uniform Complaint Procedure is intended to be used for all  
10 complaints except those involving challenges to educational material and those governed by a  
11 collective bargaining agreement.  
12

13 The District requests all individuals to use this complaint procedure, when the individual  
14 believes the Board or its employees or agents have violated the individual's rights under: (1)  
15 Montana constitutional, statutory, or administrative law; (2) United States constitutional,  
16 statutory, or regulatory law; or (3) Board policy.  
17

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

25 The Superintendent has the authority to contract with an independent investigator at any time  
26 during the complaint procedure process. Within fifteen (15) calendar days of the  
27 Superintendent's receipt of the independent investigator's report and recommendation, the  
28 Superintendent will respond to the complaint and take such administrative steps as the  
29 Superintendent deems appropriate and necessary.  
30

31 Level 1: Informal  
32

33 An individual with a complaint is first encouraged to discuss it with the appropriate teacher,  
34 counselor, or building administrator, with the objective of resolving the matter promptly and  
35 informally. An exception is that a complaint of sexual harassment should be discussed directly  
36 with an administrator not involved in the alleged harassment.  
37

38 Level 2: Building Administrator  
39

40 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed  
41 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the  
42 event or incident giving rise to the complaint, including any school personnel involved; and (3)  
43 the remedy or resolution requested. This written complaint must be filed within thirty (30)  
44 calendar days of the event or incident or from the date an individual could reasonably become  
45 aware of such event or incident.  
46

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:

Adopted on: July 1, 2005

Reviewed on: March 6, 2009

Revised on: April 15, 2009

2  
3 **INSTRUCTION**

2000

4  
5 Goals

6  
7 The District will provide equal opportunity for all students to receive an education which will  
8 enable each to fulfill their optimum role in society, commensurate with individual ability, in  
9 compliance with legal requirements and reflecting the desires of the people.

10  
11 The instructional programs, methods, and resources will meet the needs of each individual  
12 student, regardless of race, color, creed, sex, or level of ability. The District recognizes that  
13 equal opportunity education does not imply uniformity and that each student's unique  
14 characteristics must be acknowledged.

15  
16 The instructional programs, methods, and materials will not imply, teach, or encourage any  
17 beliefs or practices reflecting bias or discrimination toward other individuals or groups and will  
18 not deny others their basic human rights.

19  
20 The District will strive to develop and implement programs which provide students with those  
21 skills, knowledge, and attitudes that:

- 22  
23 1. Are fundamental to present and future learning in all walks of life;  
24  
25 2. Help the student to solve problems and to think more productively;  
26  
27 3. Help the student to effectively relate with other people;  
28  
29 4. Promote the student to attain and maintain physical and mental fitness;  
30  
31 5. Help the student to understand and appreciate other people, how they live, and how their  
32 lifestyles may impact his/her present and future life;  
33  
34 6. Help prepare the student for the world of work;  
35  
36 7. Assist the student in adapting to technological change and its impact on his/her present  
37 and future life;  
38  
39 8. Enable the student to use free time in a self-satisfying manner;  
40  
41 9. Assist the student in understanding how beliefs and values guide one's actions.  
42

43 This philosophical goal statement will be publicized and made available to interested citizens.

44  
45 Legal Reference 10.55.701, ARM Board of Trustees

46  
47 Policy History:

48 Adopted on:

49 Revised on:

2  
3 **INSTRUCTION**

2100

page 1 of 2

4  
5 School Year Calendar and Day

6  
7 School Calendar

8  
9 Subject to §§ 20-1-301 and 20-1-308, MCA, and any applicable collective bargaining agreement  
10 covering the employment of affected employees, the trustees of a school district shall set the  
11 number of hours in a school term, the length of the school day, and the number of school days in  
12 a school week. When proposing to adopt changes to a previously adopted school term, school  
13 week, or school day, the trustees shall: (a) negotiate the changes with the recognized collective  
14 bargaining unit representing the employees affected by the changes; (b) solicit input from the  
15 employees affected by the changes but not represented by a collective bargaining agreement; (c)  
16 and from the people who live within the boundaries of the school district.

17  
18 Commemorative Holidays

19  
20 Teachers and students will devote a portion of the day on each commemorative holiday  
21 designated in § 20-1-306, MCA, to study and honor the commemorated person or occasion. The  
22 Board may from time to time designate a regular school day as a commemorative holiday.

23  
24 Friday-Saturday School

25  
26 Pupil instruction may be held on a Friday or Saturday at the discretion of a school district for the  
27 purpose of providing additional pupil instruction, provided that: (a) The day is not a pupil-  
28 instruction day and does not count toward the minimum aggregate hours of pupil instruction; and  
29 (b) student attendance is voluntary.

30  
31 School Fiscal Year

32  
33 At least the minimum number of aggregate hours must be conducted during each school fiscal  
34 year. The minimum aggregate hours required by grade are:

- 35 (a) 720 hours for grades K through 3;  
36 (b) 1,080 hours for grades 4 through 12; and  
37 (c) 1,050 hours may be sufficient for graduating seniors.

38  
39 In addition, seven (7) pupil instruction-related days may be scheduled for the following  
40 purposes:

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

46 2100

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: 6/8/16

Reviewed on: 5/11/16

Revised on:

2  
3 **INSTRUCTION**

2105

4  
5 Grade Organization

6  
7 The District maintains instructional levels for grades kindergarten (K) through twelve (12). The  
8 grouping and housing of instructional levels in school facilities will be according to plans  
9 developed by the Superintendent and approved by the Board.

10  
11 Instructional programs will be coordinated between each grade and between levels of schools.

12  
13 A student will be assigned to an instructional group or to a classroom which will best serve the  
14 needs of that individual while still considering the rights and needs of other students. Factors to  
15 be considered in classroom assignments are class size, peer relations, student/teacher relations,  
16 instructional style of individual teachers, and any other variables that will affect the performance  
17 of the student.

18  
19 Criteria for grouping will be based on learning goals and objectives addressed and the student=s  
20 ability to achieve those purposes.

21  
22  
23  
24 Legal Reference: ' 20-6-501, MCA Definition of various schools

25  
26 Policy History:

27 Adopted on:

28 Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2110

4  
5 Objectives

6  
7 Accreditation Standards

8  
9 The Board will review state accreditation standards annually and provide in each school building  
10 at least one (1) copy of the standards, for staff and public review.

11  
12 Continuous Progress Education

13  
14 The Board acknowledges its responsibility to develop and implement a curriculum designed to  
15 provide for sequential intellectual and skill development necessary for students to progress on a  
16 continuous basis from elementary through secondary school.

17  
18 The Superintendent is directed to develop instructional programs which will enable each student  
19 to learn at the student=s best rate. The instructional program will strive to provide for:

- 20  
21 1. Placement of a student at the student=s functional level;  
22  
23 2. Learning materials and methods of instruction considered to be most appropriate to the  
24 student=s learning style; and  
25  
26 3. Evaluation to determine if the desired student outcomes have been achieved.

27  
28 Each year, the Superintendent will determine the degree to which such instructional programs  
29 are being developed and implemented. Accomplishment reports submitted annually will provide  
30 the Board with the necessary information to make future program improvement decisions.

31  
32  
33  
34 Policy History:

35 Adopted on:

36 Revised on:

## INSTRUCTION

2120

Curriculum Development 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 curriculum will be designed to accomplish learning objectives and goals for excellence contained in the District's educational philosophy, mission statement, objectives, and goals.

Development and Assessment

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. A curriculum review cycle and time lines for curriculum development and evaluations will be developed, as well.

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. These materials will be reviewed at least every five (5) years.

In all program areas and at all levels, the District will assess student progress toward achieving learner goals and program area performance standards, including content and data; accomplishment of appropriate skills; development of critical thinking and reasoning; and attitude. The District will use assessment results to improve the education program and will use effective and appropriate tools for assessing such progress. These may include but are not limited to standardized tests; criterion-referenced tests; teacher-made tests; ongoing classroom evaluation; actual communication assessments such as writing, speaking, and listening assessments; samples of student work and/or narrative reports passed from grade to grade; samples of students' creative and/or performance work; and surveys of carryover skills to other program areas and outside of school.

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:

Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2123

4  
5 Lesson Plan

6  
7 To ensure proper planning and continuity of instruction, the Board requires that each teacher  
8 prepare lesson plans for daily instruction. To facilitate more effective instruction, lesson plans  
9 must be prepared on a weekly basis in advance of actual class presentation. The format for the  
10 lesson plan will be specified by the building principal and will be reviewed on a regular basis.  
11 The daily plan must be readily available, when a substitute teacher is needed.  
12  
13  
14

15 Policy History:

16 Adopted on: 7/8/2015

17 Reviewed on:

18 Revised on:



**Gardiner School District**

**INSTRUCTION**

2130

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:

Revised on:

**INSTRUCTION**

2132

page 1 of 3

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 Ainstructional 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 Apersonal 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), (4) telephone number, or (5) 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:      3410    Student Health  
                                 2311    Instructional Materials  
                                 3200    Student Rights and Responsibilities

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

Policy History:

Adopted on:

Revised on:

**Gardiner School District**

**INSTRUCTION**

2140

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.

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.

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

Policy History:

Adopted on: July 1, 2005

Reviewed on: February 9, 2011

1 **Gardiner School District**

3 **INSTRUCTION**

2151

5 Interscholastic Activities

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

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

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

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

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

35 Cross Reference: 3416 Administering Medicines to Students

37 Legal Reference: 10.55.707, ARM Certification  
38 37.111.825, ARM Health Supervision and Maintenance

40 Policy History:

41 Adopted on: July 1, 2005

42 Revised on: January 11, 2006

**INSTRUCTION**

2159

Response To Intervention

It is the District's policy to ensure that all students receive high quality, scientific, research-based general education core instruction and, as appropriate, strategic and intensive intervention supports matched to student needs. The district will strive to utilize the core principles of the Response To Intervention (RTI) process, which combines systematic assessment, decision-making and a multi-tiered services delivery model to improve educational and behavioral outcomes for all students.

When using the RTI model, the district will use a process that identifies students' challenges early and provides appropriate instruction to support students' successful learning in the general education classroom. In implementing the RTI process, the district shall apply:

1. Scientific, research-based interventions in the general education setting;
2. Measure the student's response to intervention; and,
3. Use data to inform instruction.

The Superintendent shall develop procedures to implement student interventions; and use teacher observations and classroom, school, or district assessments to identify students who are at risk of academic or behavioral problems and thereby in need of scientific, research-based interventions. The district shall inform parents regarding the use of scientific, research-based interventions, as required by State and Federal law.

The Superintendent, in cooperation with the Park County Special Education Cooperative, will determine which special education categories will use the RTI process for initial special education identification. At the discretion of the Superintendent or Principal when the use of RTI would delay identification, which could delay provision of a Free Appropriate Public Education, the district may use the state approved discrepancy method for identification of a student for special education.

References: ARM 10.16.3019  
ARM 10.16.3019A  
ARM 10.16.3019B

Procedure History:

Promulgated on: March 11, 2009

Reviewed on: February 11, 2009

Revised on:

2  
3 **INSTRUCTION**

2160

page 1 of 2

4  
5 Title I Parent Involvement

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

12  
13 Pursuant to federal law the District will develop jointly with, agree upon with, and distribute to  
14 parents of children participating in the Title I program a written parent involvement policy.

15  
16 At the required annual meeting of Title I parents (including parents of migrant students if  
17 applicable), parents will have opportunities to participate in the design, development, operation,  
18 and evaluation of the program for the next school year. Proposed activities to fulfill the  
19 requirements necessary to address the requirements of parental-involvement goals shall be  
20 presented.

21  
22 In addition to the required annual meeting, at least three (3) additional meetings shall be held at  
23 various times of the day and/or evening for parents of children (including parents of migrant  
24 children if applicable) participating in the Title I program. These meetings shall be used to  
25 provide parents with:

- 26  
27 1. Information about programs provided under Title I;  
28  
29 2. A description and explanation of the curriculum in use, the forms of academic assessment  
30 used to measure student progress, and the proficiency levels students are expected to  
31 meet;  
32  
33 3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions  
34 relating to the education of their children; and  
35  
36 4. The opportunity to bring parent comments, if they are dissatisfied with the school’s Title  
37 I program, to the District level.  
38

39 Title I funding, if sufficient, may be used to facilitate parent attendance at meetings, through  
40 payment of transportation and childcare costs.  
41  
42  
43  
44  
45  
46



The parents of children (including parents of migrant children if applicable) identified to participate in Title I programs shall receive from the school principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents 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.

Legal Reference: Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301-6514, as implemented by 34 CFR parts 200, 201, 203, 205, and 212  
Improving America's Schools Act, P.L. 103-382, § 1112 Local Education Agency Plans  
P.L. 107-110, "No Child Left Behind Act of 2001," Title I – Improving the Academic Achievement of the Disadvantaged, § 1118

Policy History:

Adopted on: 12/10/2014

Reviewed on:

Revised on:

2  
3 **INSTRUCTION**

2160P

page 1 of 2

4  
5 Title I – Equivalency/Comparability

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

9  
10 1. Salary Scales

11  
12 The District-wide salary scales will be applicable to all staff whether assigned to Title  
13 I or non-Title I schools.

14  
15 2. Assignment of Teachers, Administrators, and Support Personnel

16  
17 Assignment of teachers, administrators, and support personnel will be made in such a  
18 way to assure that the numbers of students per staff person in Title I schools shall be  
19 equivalent to the average number of students per staff person in relevant comparison  
20 schools (i.e., non-Title I or other Title I schools).

21  
22 3. Curriculum Materials and Instructional Supplies

23  
24 Curriculum materials and instructional supplies will be provided to schools with the  
25 same grade spans on a per-pupil cost factor to assure that all children have access to  
26 the same level of state and local resources regardless of whether they attend a Title I  
27 or non-Title I school.

28  
29 Title I Parent Involvement

30  
31 In order to achieve the level of Title I parent involvement desired by District policy on this topic,  
32 these procedures guide the development of each school's annual plan designed to foster a cooperative  
33 effort among parents, school, and community.

34  
35 Guidelines

36  
37 Parent involvement activities developed at each school will include opportunities for:

- 38  
39 • Volunteering;  
40 • Parent education;  
41 • Home support for the child's education;  
42 • Parent participation in school decision making.

43  
44 The school system will provide opportunities for professional development and resources for staff  
45 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 (including parents of migrant children if applicable) in a format and, to the extent practicable, in a language the parents can understand.

### **Community**

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

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

### **Administration**

It is the responsibility of the administration to:

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

### Procedure History:

Adopted on: 12/10/2014

Reviewed on:

Revised on:

2  
3 **INSTRUCTION**

2161

4  
5 Special Education

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

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

15  
16 The District may maintain membership in one or more cooperative associations which may assist  
17 in fulfilling the District=s obligations to its disabled students.  
18  
19  
20

21 Legal Reference: Americans with Disabilities Act, 42 U.S.C. ' 12101, et seq.  
22 Individuals with Disabilities Education Act, 20 U.S.C. ' 1400, et seq.  
23 ' 20-7-Part Four, MCA Special Education for Exceptional Children  
24

25 Policy History:

26 Adopted on:

27 Revised on:

**INSTRUCTION**

2161P

page 1 of 5

Special Education

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

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1 who were not previously identified. Describe coordination efforts with other  
2 agencies.

3  
4 E. Private Schools (This includes home schools.)

5 Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-  
6 up procedures for referral and evaluation.

7 F. Homeless Children

8  
9 Procedures for Evaluation and Determination of Eligibility

10  
11 Procedures for evaluation and determination of eligibility for special education and related  
12 services are conducted in accordance with the procedures and requirements of 34 C.F.R.  
13 300.530-300.536 and the following state administrative rules:

14  
15 10.16.3320 - Referral;

16 10.60.103 - Identification of Children with Disabilities;

17 10.16.3321 - Comprehensive Educational Evaluation Process;

18 10.16.3322 - Composition of an Evaluation Team

19  
20 Procedural Safeguards and Parental Notification

21  
22 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -  
23 300.530 and A.R.M. 10.16.3129.

24  
25 A copy of the procedural safeguards available to the parents of a child with a disability must be  
26 given to the parents only one time a school year, except that a copy also must be given to the  
27 parents:

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

36  
37 A public agency also may place a current copy of the procedural safeguard notice on its internet  
38 website, if a web site exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

39  
40 The referral for special education consideration may be initiated from any source, including  
41 school personnel. To initiate the process, an official referral form must be completed and signed  
42 by the person making the referral. The District shall accommodate a parent who cannot speak  
43 English and therefore cannot complete the District referral form. Recognizing that the referral

1 form is a legal document, District personnel with knowledge of the referral shall bring the  
2 referral promptly to the attention of the Evaluation Team.

3  
4 The District shall give written notice to the parent of its recommendation to evaluate or not to  
5 evaluate the student. The parent will be fully informed concerning the reasons for which the  
6 consent to evaluate is sought. Written parental consent will be obtained before conducting the  
7 initial evaluation or before reevaluating the student.

8  
9 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the  
10 parents in their native language or another mode of communication appropriate to the parent. An  
11 explanation of all the procedural safeguards shall be made available to the parents when their  
12 consent for evaluation is sought. These safeguards will include a statement of the parents' rights  
13 relative to granting the consent.

#### 14 15 Administrative Representative on Evaluation Team

16  
17 A representative of the public agency who:

- 18 (i) is qualified to provide or supervise the provision of specially designed instruction
- 19 to meet the unique needs of children with disabilities;
- 20 (ii) is knowledgeable about the general education curriculum; and
- 21 (iii) is knowledgeable about the availability of resources of the public agency.

#### 22 23 Individualized Education Programs

24  
25 The District develops, implements, reviews, and revises individualized education programs (IEP)  
26 in accordance with the requirements and procedures of 34 C.F.R. 300.342-300.350 and A.R.M.  
27 10.16.3342.

#### 28 29 Least Restrictive Environment

30  
31 To the maximum extent appropriate, children with disabilities, including children in public or  
32 private institutions or other care facilities, are educated with children who are nondisabled, and  
33 special classes, separate schooling, or other removal of children with disabilities from the regular  
34 class occurs only if the nature or severity of the disability is such that education in regular  
35 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.  
36 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the  
37 requirements of 34 C.F.R. 300.550 - 300.556, and a continuum of alternate placements is  
38 available as required in 34 C.F.R. 300.551.

#### 39 40 Children in Private Schools/Out-of District Placement

41  
42 The District implements services to children enrolled in private schools by their parents in accord  
43 with the requirements and procedures in 34 C.F.R. 300.453 - 300.462, 612(a)(10) and A.R.M.  
44 10.16.3122. If a child with a disability is placed in or referred to a private school or facility by  
45 the District or parentally placed, the District will provide special education and related services

1 in accordance with the requirements and procedures of 34 C.F.R. 300.401 and A.R.M.  
2 10.16.3122.

3  
4 Impartial Due Process Hearing

5  
6 The District shall conduct the impartial hearing in compliance with the Montana Administrative  
7 Rules on matters pertaining to special education controversies.  
8

9 Special Education Records and Confidentiality of Personally Identifiable Information

10  
11 A. Confidentiality of Information

12  
13 The District follows the provisions under the Family Educational Rights and Privacy Act and  
14 implements the procedures in 34 C.F.R. 300.562-300.577, 300.622, § 20-1-213, MCA, and  
15 A.R.M. 10.16.3560.  
16

17 B. Access Rights

18  
19 Parents of disabled students and students eighteen (18) years or older, or their representative,  
20 may review any educational records which are designated as student records collected,  
21 maintained, and used by the District. Review shall normally occur within five (5) school days  
22 and in no case longer than forty-five (45) days. Parents shall have the right to an explanation or  
23 interpretation of information contained in the record. Non-custodial parents shall have the same  
24 right of access as custodial parents, unless there is a legally binding document specifically  
25 removing that right.  
26

27 C. List of Types and Locations of Information.

28  
29 A list of the records maintained on disabled students shall be available in the District office.  
30 Disabled student records shall be located in the elementary and high school special  
31 education offices, where they are available for review by authorized District personnel,  
32 parents, and adult students. Special education teachers will maintain an IEP file in their  
33 classrooms. These records will be maintained under the direct supervision of the teacher and  
34 will be located in a locked file cabinet. A record-of-access sheet in each special education file  
35 will specify the District personnel who have a legitimate interest in viewing these records.  
36

37 D. Safeguards

38  
39 The District will identify in writing the employees who have access to personally identifiable  
40 information, and provide training on an annual basis to those staff members.  
41

42 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 services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.519 - 300.530.

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: July 1, 2005

Reviewed on: January 9, 2008

January 14, 2009

February 11, 2009

Revised on: February 11, 2009

2  
3 **INSTRUCTION**

2162

4  
5 Section 504 of the Rehabilitation Act of 1973 (ASection 504@)

6  
7 It is the intent of the District to ensure that students who are disabled within the definition of  
8 Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with  
9 appropriate educational services. For those students who need or are believed to need special  
10 instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the  
11 District shall establish and implement a system of procedural safeguards. The safeguards shall  
12 cover students= identification, evaluation, and educational placement. This system shall include:  
13 notice, an opportunity for the student=s parent or legal guardian to examine relevant records, an  
14 impartial hearing with opportunity for participation by the student=s parent or legal guardian,  
15 and a review procedure.  
16  
17  
18

19 Legal Reference: Rehabilitation Act of 1973, Section 504, 29 U.S.C. ' 794  
20 34 C.F.R. 104.36 Procedural safeguards  
21

22 Policy History:

23 Adopted on:

24 Revised on:

2  
3 **INSTRUCTION**

2162P

4 page 1 of 2

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

6  
7 (1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies  
8 under Section 504 for special instruction or related services disagrees with a decision of  
9 the District with respect to: (1) the identification of the child as qualifying for Section  
10 504; (2) the District=s evaluation of the child; and/or (3) the educational placement of the  
11 child, the parents of the student are entitled to certain procedural safeguards. The student  
12 shall remain in his/her current placement until the matter has been resolved through the  
13 process set forth herein.

14  
15 A. The District shall provide written notice to the parent or legal guardian of a  
16 Section 504 student, prior to initiating an evaluation of the child and/or  
17 determining the appropriate educational placement of the child, including special  
18 instruction and/or related services;

19  
20 B. Upon request, the parent or legal guardian of the student shall be allowed to  
21 examine all relevant records relating to the child=s education and the District=s  
22 identification, evaluation, and/or placement decision;

23  
24 C. The parent or legal guardian of the student may make a request in writing for an  
25 impartial due process hearing. The written request for an impartial due process  
26 hearing shall identify with specificity the areas in which the parent or legal  
27 guardian is in disagreement with the District;

28  
29 D. Upon receipt of a written request for an impartial due process hearing, a copy of  
30 the written request shall be forwarded to all interested parties within three (3)  
31 business days;

32  
33 E. Within ten (10) days of receipt of a written request for an impartial due process  
34 hearing, the District shall select and appoint an impartial hearing officer who has  
35 no professional or personal interest in the matter. In that regard, the District may  
36 select a hearing officer from the list of special education hearing examiners  
37 available at the Office of Public Instruction, the county superintendent or any  
38 other person who would conduct the hearing in an impartial and fair manner;

39  
40 F. Once the District has selected an impartial hearing officer, the District shall  
41 provide the parent or legal guardian and all other interested parties with notice of  
42 the person selected;

43  
44 G. Within five (5) days of the District=s selection of a hearing officer, a pre-hearing  
45 conference shall be scheduled to set a date and time for a hearing, identify

46 2162P

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.

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

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

Procedure History:

Promulgated on:

Revised on:

**Gardiner School District**

**INSTRUCTION**

2163

Traffic Education

School District 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 fifteenth (15<sup>th</sup>) birthday within six (6) months of course completion and have not yet reached nineteen (19) years of age on or before September 10 of the school year in which the student participates in traffic education.

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: October 12, 2009

Reviewed on:

Revised on:

**Gardiner School District**

**INSTRUCTION**

2166

Gifted Program

In accordance with the philosophy to develop the special abilities of each student, District teachers will offer appropriate instructional programs to meet the needs of students capable of high performance. Opportunities not available in the regular classroom may be provided through the expanded studies program.

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

Policy History:

Adopted on:

Revised on:

**Gardiner School District**

**INSTRUCTION**

2167

Correspondence Courses

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

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

1. Prior permission has been granted by the principal;
2. The program fits the education plan submitted by the regularly enrolled student;
3. Credit is granted for the following approved schools:
  - a. Schools approved by the National University Extension Association or through one of the schools approved by the National Home Study Council;
  - b. Community colleges, vocational-technical institutes, four-year colleges and universities and state-approved private schools in the state of Montana; and
  - c. Other schools or institutions which are approved by the District after evaluation for a particular course offering.
4. The student is unable to take the class in sequence at Gardiner School.

The District will not be obligated to pay for a student=s correspondence courses.

Cross Reference: 2410 and 2410P High School Graduation Requirements

Legal Reference: ' 20-7-116, MCA Supervised correspondence study  
ARM 10.55.906 High School Credit

Policy History:

Adopted on:

Revised on:

**Gardiner School District**

**INSTRUCTION**

2168

Enrichment Course Offerings

Philosophy

Students may elect to participate in enrichment course offerings at other institutions, at their own expense. Credit will not be granted toward graduation from Gardiner School District. Grades earned will not apply to a student=s GPA.

Cross Reference:	2410 and 2410P	High School Graduation Requirements
Legal Reference:	ARM 10.55.906	High School Credit
	ARM 10.55.907	Distance, Online, and Technology Delivered Learning

Policy History:

Adopted on:

Revised on:



1 **Gardiner School District**

2  
3 **INSTRUCTION**

2169  
page 1 of 2

4  
5 Expanded Studies Program

6  
7 Philosophy

8  
9 The expanded studies program is designed to enhance the educational success of each student by  
10 meeting personal educational needs of a wide variety of learners. The goals of the program are  
11 to provide opportunity for remediation as well as opportunities for advanced and independent  
12 study. The program will also assist those who for various reasons are out of phase with the  
13 regular instructional program. Some students may also use the alternative program to complete  
14 graduation requirements.

15  
16 The expanded studies curriculum will be broad in scope and provide for a wide range of rate,  
17 readiness, and potential for learning. Because of the varied needs of students and the unique  
18 nature of this program, experimentation with curriculum and teaching methodology is  
19 encouraged.

20  
21 An individualized course of study will be completed for each student, including long-term goals  
22 and short-term objectives, complete with materials used, teaching techniques utilized, and  
23 assessment methods. Procedures will be developed to provide active and continuing  
24 communication between parents or legal guardians, school staff, and students participating in  
25 this program.

26  
27 All District policies are in effect unless otherwise noted in the student=s individualized  
28 educational plan.

29  
30 Procedures

31  
32 Students wishing to apply for admission to the expanded studies program must complete the  
33 application available at the school office. Completed applications are returned to the school  
34 office.

35  
36 Each student will be interviewed by a committee consisting of the expanded studies coordinator,  
37 principal, counselor, classroom teacher representative, and, if applicable, the special education  
38 teacher.

39  
40 Selection will be based on student needs and committee recommendation.

41  
42 Students may enter the expanded studies program at any time. There is a minimum enrollment  
43 of one (1) semester. Exit from the program must correspond with the high school schedule,  
44 graduation, withdrawal from school, or entrance into another program.

After a student has been selected for the expanded studies program, a school study team will convene. The school study team (SST) is an informal advisory group whose purpose is to plan the student's education program. At a minimum the SST is composed of the student, parents or legal guardian, appropriate classroom teacher(s), guidance counselor, and extended studies coordinator.

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2221

4  
5 School Closure

6  
7 The Superintendent may order closure of schools in the event of extreme weather or other  
8 emergency, in compliance with established procedures for notifying parents, students, and staff.

9  
10 The trustees may order the emergency closure of schools for one school day each year, without  
11 the need to reschedule the lost pupil instruction time when the closure is the result of an  
12 emergency.

13  
14  
15  
16 Cross Reference: 8110 Bus Routes and Schedules

17  
18 Legal Reference: §§ 20-9-801 - 802, MCA Emergency school closure  
19 §§ 20-9-806, MCA School closure by declaration of emergency

20 Policy History:

21 Adopted on: July 1, 2005

22 Revised on: June 19, 2006

2  
3 **INSTRUCTION**

2250

4  
5 Community and Adult Education

6  
7 Efforts will be made to maximize use of public school facilities and resources, realizing that  
8 education is a lifelong process involving the whole community. The District makes its resources  
9 available to adults, within limits of budget, staff, and classroom space. Daytime and/or evening  
10 use of classrooms, shops, and labs should be encouraged, provided there is no interference with  
11 or impairment of the regular school program. Course offerings will be developed in cooperation  
12 with the adult education advisory council, made up of community representatives.  
13  
14

15  
16 Legal Reference: ' 20-7-703, MCA Trustees= policies for adult education  
17

18 Policy History:

19 Adopted on:

20 Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2250P

page 1 of 2

4  
5 Community Education

6  
7 The community education department offers programs designed to provide an avenue for more  
8 effective community involvement, citizen participation, and educational opportunities for all  
9 ages.

10  
11 Adult Education

12  
13 Funding for adult education comes from registration fees. "Adult" refers to persons age sixteen  
14 (16) and over, not currently enrolled in school.

15  
16 **Procedures for Adult Education:**

- 17 1. The community education supervisor will be responsible for development, promotion,  
18 supervision, and coordination of all programs.  
19
- 20 2. The community education supervisor will maintain an advisory council made up of  
21 representatives from the community, which will meet up to three (3) times a year.  
22
- 23 3. It is the responsibility of the supervisor, with input from the advisory council, to avoid  
24 duplication and overlapping of courses offered elsewhere in the community.  
25
- 26 4. Potential instructors must make application to teach, submit a course outline, and have an  
27 interview with the community education supervisor. Teaching certification is not  
28 required. References are checked as needed.  
29
- 30 5. Recommendation for salary increases will be made by the advisory council, along with  
31 the supervisor.  
32
- 33 6. A salary scale will be maintained, which provides incentives for highly successful  
34 teachers to continue to teach in adult education. Instructors will move up on the salary  
35 scale after each successful completion of three (3) quarters of teaching.  
36
- 37 7. Programming will be determined by the needs and interests of the community, either by  
38 use of surveys, interests expressed by community members, identification of needs by  
39 representatives on the advisory council, or by the success of ongoing classes or programs.  
40
- 41 8. Promotion of programs will be through local outlets.  
42
- 43 9. Enrollment of students, collection of fees, provision of suitable classroom and lab  
44 facilities, and assignment of students will be accomplished by the supervisor and the  
45 staff.  
46

10. Classes are fee supported and must meet minimum enrollments.
11. Teaching materials, handouts, outlines, etc., may be duplicated or prepared by office staff if appropriately submitted by the various instructors.
12. Certificates of merit or accomplishment may be offered upon satisfactory completion of courses.

Procedure History:

Promulgated on:

Revised on:

## INSTRUCTION

2309

Library Materials

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

Revised on:

**INSTRUCTION**

2310

Selection of Library Materials

The District has libraries in each 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. 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:

Revised on:



2  
3 **INSTRUCTION**

2310P

4  
5 Selection of Library Materials

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

10  
11 Weeding

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

17  
18 Discarded materials will be clearly stamped:

19  
20 **ADISCARDED FROM GARDINER PUBLIC SCHOOL LIBRARY@**

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

28  
29 Gifts

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

33  
34  
35  
36 Procedure History:

37 Promulgated on:

38 Revised on:

**INSTRUCTION**

2311

Instructional Materials

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

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

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science, and social studies should be reviewed at intervals not exceeding five (5) years. 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:

Revised on:

**INSTRUCTION**

2312

Copyright

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

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

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

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

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

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

Policy History:

Adopted on:

Reviewed on: October 10, 2012

Revised on: 11/14/2012

## INSTRUCTION

2312P

page 1 of 2

Copyright ComplianceAuthorized Reproduction and Use of Copyrighted Material in Print

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 pupil, 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. A 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.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. A 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

1 item

5 from term-to-term. Copying cannot be directed by a higher authority, and students cannot be  
6 charged more than actual cost of photocopying. Teachers may use copyrighted materials in  
7 overhead or opaque projectors for instructional purposes.

9 Authorized Reproduction and Use of Copyrighted Materials in the Library

11 A library may make a single copy of an unpublished work which is in its collection; and a  
12 published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided  
13 the unused replacement cannot be obtained at a fair price.

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

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

27 Authorized Reproduction and Use of Copyrighted Music

29 A teacher may make a single copy of a song, movement, or short section from a printed musical  
30 work that is unavailable except in a larger work, for purposes of preparing for instruction.

32 A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a  
33 printed musical work if it is to be used for academic purposes other than performance, provided  
34 that the excerpt does not comprise a part of the whole musical work which would constitute a  
35 performable unit such as a complete section, movement, or song.

37 In an emergency, a teacher may make and use replacement copies of printed music for an  
38 imminent musical performance, when the purchased copies have been lost, destroyed, or are  
39 otherwise not available.

43 Procedure History:

44 Promulgated on:

45 Revised on:

2  
3 **INSTRUCTION**

2314

4  
5 Learning Materials Review

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

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

14  
15  
16  
17 Cross Reference: Policy 1700 Uniform Complaint Procedure

18  
19 Policy History:

20 Adopted on:

21 Revised on:

2  
3 **REQUEST FOR RECONSIDERATION OF LEARNING MATERIALS**  
4

5  
6 Author \_\_\_\_\_  
7

8 Title \_\_\_\_\_  
9

10 Publisher (if known) \_\_\_\_\_  
11

12 Request initiated by \_\_\_\_\_  
13

14 Telephone \_\_\_\_\_  
15

16 Complainant represents: \_\_\_\_\_  
17

18 \_\_\_\_\_  
19  
20 1. What, in your opinion, is objectionable about this book/material? (Please be specific:  
21 cite pages.)  
22

23  
24  
25  
26 2. What do you think might be the result of reading this book/using this material?  
27

28  
29  
30  
31 3. What brought the book/material to your attention?  
32

33  
34  
35  
36 4. For what age group would you recommend this book/material?  
37

38  
39  
40  
41 5. Do you think there is anything good about this book/material?  
42

43  
44  
45  
46 6. Did you read the entire book or completely review the material? If not, what part(s) did

1           you read or review?  
2  
3  
4  
5

6   7.    Are you aware of the judgment of this book/material by literary critics or the curriculum  
7           committee?  
8  
9

10  
11  
12   8.    What do you believe is the theme of this book/material?  
13  
14  
15  
16

17   9.    What would you like your library/school to do about this book/material?  
18

19       \_\_\_\_\_ Do not assign it to my child  
20

21       \_\_\_\_\_ Withdraw it from all students as well as from my child  
22

23       \_\_\_\_\_ Withdraw it for reevaluation  
24

25   10.   What book/material would you recommend in its place?  
26  
27  
28  
29  
30  
31  
32  
33

34 \_\_\_\_\_  
35 SIGNATURE

\_\_\_\_\_  
DATE

36  
37                                   **RESOLUTION**  
38  
39  
40  
41  
42

43 \_\_\_\_\_  
44 SIGNATURE

\_\_\_\_\_  
DATE



1 **Gardiner School District**

2  
3 **INSTRUCTION**

2320

4  
5 Field Trips, Excursions, and Outdoor Education

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

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

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

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

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

26  
27  
28 Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

29  
30 Policy History:

31 Adopted on: July 1, 2005

32 Revised on: June 19, 2006

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2322

4  
5 Contests for Students

6  
7 Contests may be made available to students by outside organizations through the schools, subject  
8 to certain limitations. The Administrator shall determine that the contest is not in conflict with  
9 nor will it diminish the primary educational aims of the schools and that it meets the needs and  
10 interests of students.

11  
12 The schools shall confine their participation to those national contests which are currently placed  
13 on the approved list published annually by the Committee on National Contests and activities of  
14 the National Association of Secondary School Principals.

15  
16 A state or local contest in which students participate shall be:

- 17  
18 1. One that supplements and does not interfere with the regular school program.  
19  
20 2. One that is beneficial to youth in education, civic, social, or ethical development.  
21  
22 3. One that makes it possible for individual students to work out contributions by their own  
23 efforts and does not invite dishonest collaboration.  
24  
25 4. One whose subject is not commercial, controversial, sectarian, or concerned with  
26 propaganda. It must emphasize high moral standards, good citizenship, and intellectual  
27 competence.  
28  
29 5. One from which no contestant shall be excluded because of race, color, creed, sex, or  
30 payment of entry fee.  
31  
32 6. One which does not place an undue burden on students, teachers, or the school nor  
33 require frequent or lengthy absence of participants from the school.  
34  
35 7. One sponsored by an organization engaged in a creditable or acceptable enterprise,  
36 regardless of kind or amount of prizes offered. The contest or activity must not be used  
37 as a front for advertising a company name or product.  
38

39 Contests will not be allowed unless they further the educational goals of the District.  
40  
41  
42

43 Policy History:

44 Adopted on:

45 Revised on:

2  
3 **INSTRUCTION**

2330

4  
5 Controversial Issues and Academic Freedom

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

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

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

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

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

29  
30  
31  
32 Legal Reference: Article X, Sec. 8, Montana Constitution - School district trustees  
33 ' 20-3-324(16) and (17), MCA Powers and duties

34  
35 Policy History:

36 Adopted on:

37 Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2332

page 1 of 3

4  
5 Religion and Religious Activities

6  
7 In keeping with the United States and Montana Constitutions and judicial decisions, the District  
8 may not support any religion or endorse religious activity. At the same time, the District may  
9 not prohibit private religious expression by students. This policy provides direction to students  
10 and staff members about the application of these principles to student religious activity at school.  
11

12 Student Prayer and Discussion

13  
14 Students may pray individually or in groups and may discuss their religious views with other  
15 students, as long as they are not disruptive or coercive. The right to engage in voluntary prayer  
16 does not include the right to have a captive audience listen, to harass other students, or to force  
17 them to participate. Students may pray silently in the classroom, except when they are expected  
18 to be involved in classroom instruction or activities.  
19

20 Staff Members

21  
22 Staff members are representatives of the District and must “navigate the narrow channel between  
23 impairing intellectual inquiry and propagating a religious creed.” They may not encourage,  
24 discourage, persuade, dissuade, sponsor, participate in, or discriminate against a religious activity  
25 or an activity because of its religious content. They must remain officially neutral toward  
26 religious expression.  
27

28 Graduation Ceremonies

29  
30 Graduation is an important event for students and their families. In order to assure the  
31 appropriateness and dignity of the occasion, the District sponsors and pays for graduation  
32 ceremonies and retains ultimate control over their structure and content.  
33

34 District officials may not invite or permit members of the clergy to give prayers at graduation.  
35 Furthermore, District officials may not organize or agree to requests for prayer by other persons  
36 at graduation, including requests by students to open or deliver a prayer at graduation. The  
37 District may not prefer the beliefs of some students over the beliefs of others, coerce dissenters  
38 or nonbelievers, or communicate any endorsement of religion.  
39

40 Baccalaureate Ceremonies

41  
42 Students and their families may organize baccalaureate services, at which attendance must be  
43 entirely voluntary. Organizers of baccalaureate services may rent and have access to school  
44 facilities on the same basis as other private groups and may not receive preferential treatment.  
45 The District may not be identified as sponsoring or endorsing baccalaureate services. District  
46 funds, including paid staff time, may not be used directly or indirectly to support or subsidize

any religious services.

#### 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: October 10, 2012

Revised on: November 14, 2012

## INSTRUCTION

2333

Participation in Commencement ExercisesStatement of Policy

A student's right to participate in a commencement exercise of the graduating class at Gardiner 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 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 may 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. 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:

Reviewed on: October 10, 2012

Revised on: November 14, 2012

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2334

4  
5 Release Time for Religious Instruction

6  
7 No student will be released during the school day for religious instruction.

8  
9  
10  
11 Legal Reference: Art. II, Sec. 5, Montana Constitution - Freedom of religion  
12 Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education  
13 ' 20-1-308, MCA Religious instruction released time program  
14

15 Policy History:

16 Adopted on:

17 Revised on:



## 2335

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2  
3 **INSTRUCTION**

2410

4  
5 High School Graduation Requirements

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

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

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

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

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

29  
30  
31  
32 Legal Reference:      § 20-5-201, MCA      Duties and sanctions  
33                              § 20-3-322 (3), MCA      Meetings and Quorum  
34                              10.55.904, ARM      Basic Education Program Offerings: High School  
35                              10.55.905, ARM      Graduation Requirements  
36                              10.55.906, ARM      High School Credit

37  
38 Policy History:

39 Adopted on:

40 Reviewed on:

41 Revised on: 2/12/2015

2  
3 **INSTRUCTION**

4  
5 High School Graduation Requirements

6  
7 Publication of Graduation Requirements

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

12  
13 Credits

14  
15 Students shall be expected to earn a total of (25) units in order to complete graduation  
16 requirements. Specific graduation requirements can be found in the Student Handbook. Special  
17 education students who have successfully completed their IEP leading to completion of high  
18 school will be awarded a diploma.

19  
20 Waiver of Requirement

21  
22 Graduation requirements generally will not be waived under any circumstances. However, in  
23 rare and unique hardship circumstances, the principal may recommend and the Superintendent  
24 approve minor deviation from the graduation requirements.

25  
26 Alternative Programs

27  
28 Credit toward graduation requirements may be granted for planned learning experiences from  
29 accredited programs, such as summer school, university courses, and correspondence courses.

30  
31 Credit for work experience may be offered when the work program is a part of and supervised by  
32 the school.

33  
34 All classes attempted at Gardiner High School and all acceptable transfer credits shall be  
35 recorded on the transcript. All grades earned, including failures and retakes, shall be recorded as  
36 such and utilized in the calculation of Grade Point Average and class rank. Credit shall be  
37 awarded only once regardless of repetition of the course.

38  
39 Dual Credit

40  
41 Dual credit allows high schools students to simultaneously earn credit toward both a high school  
42 diploma and college coursework that can lead to a postsecondary degree or certificate, or toward  
43 transfer to another college. The primary purpose of offering dual credit courses is to deliver high  
44 quality, introductory, college level courses to high-performing high school students.  
45 Students interested in dual credit opportunities must meet with their building administration to  
46 determine available options.

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

### Honor Roll

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

### Class Rank (Grade Point Average)

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

### Early Graduation

In accordance with provisions of § 20-9-313, MCA, the Board hereby authorizes the high school principal to grant permission to students who have completed the minimum requirements for graduation after completion of the seventh (7th) semester.

Legal Reference:	§ 20-9-313, MCA	Circumstances under which regular average number belonging may be increased
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### Procedure History:

Promulgated on:

Reviewed on:

Revised on: 2/12/15

2  
3 **INSTRUCTION**

2413

page 1 of 2

4  
5 Credit Transfer and Assessment for Placement

6  
7 Grades 9-12

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

14  
15 The credit evaluation committee will:

- 16  
17 (1) Document that a student has spent approximately the same number of classroom hours in  
18 home school as would have been spent in a regular class in the District;  
19  
20 (2) Document that a student followed a curriculum essentially similar to that of a course for  
21 which credit is requested;  
22  
23 (3) Document that in the event of a credit request in a lab, industrial arts, or music course,  
24 equipment and facilities were sufficient to meet required learning activities of the course;  
25  
26 (4) Require that a student has satisfactorily passed, in all courses in which a final exam  
27 normally is given, a final exam prepared and administered by a staff member in the  
28 District.

29  
30 The District will give credit only for home schools which have met all requirements as specified  
31 in Montana law. Credit from home schools will be accepted only when a like course is offered  
32 in the District.

33  
34 The school transcripts will record courses taken in home schools or non-accredited schools by  
35 indicating title of the course, school where the course was taken, and grade.

36  
37 For the purpose of calculation of class rank, only those courses taken in an accredited school will  
38 be used.

39  
40 Grades 1-8

41  
42 Requests from parents of students in non-accredited, nonpublic schools for placement in the  
43 District school system will be evaluated by an assessment-for-placement team. That team will  
44 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 (grades 6-8 only) (OPTIONAL).

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

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

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

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

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

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

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2420

4  
5 Grading and Progress Reports

6  
7 The Board believes cooperation of school and home is a vital ingredient in the growth and  
8 education of students and recognizes its responsibility to keep parents informed of student  
9 welfare and progress in school.

10  
11 The issuance of grades and progress reports on a regular basis serves as a basis for continuous  
12 evaluation of student performance and for determining changes that should be made to effect  
13 improvement. These reports will be designed to provide information helpful to the students,  
14 teachers, counselors, and parents.

15  
16 The Board directs the Superintendent to establish a system of reporting student progress and will  
17 require all staff to comply with such a system as part of their teaching responsibility. Staff and  
18 parents will be involved.

19  
20  
21  
22 Policy History:

23 Adopted on:

24 Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2421

4  
5 Promotion and Retention

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

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

14  
15 The building principal will make final decisions respecting promotion or retention.  
16  
17  
18

19 Policy History:

20 Adopted on:

21 Revised on:



1 **Gardiner School District**

2  
3 **INSTRUCTION**

2430

4  
5 Homework

6  
7 The District believes that homework is a constructive tool in the teaching/learning process when  
8 geared to the needs and abilities of students. Purposeful assignments not only enhance student  
9 achievement but also develop self-discipline and associated good working habits. As an  
10 extension of the classroom, homework must be planned and organized and should be evaluated  
11 and returned to students in a timely manner.

12  
13 Homework may be assigned for one (1) or more of the following purposes:

- 14  
15 1. Practice: To help students master specific skills which have been presented in class.  
16  
17 2. Preparation: To help students gain maximum benefits from future lessons.  
18  
19 3. Extension: To provide students with opportunities to transfer specific skills or concepts  
20 to new situations.  
21  
22 4. Creativity: To require students to integrate many skills and concepts in order to produce  
23 original responses.  
24

25 The purposes of homework assignments, the basis for evaluating work performed, and the  
26 guidelines and/or rules should be made clear to the student at the time of the assignment.

27  
28 The school principal will establish guidelines which clarify the nature and use of homework  
29 assignments to improve school achievement.  
30  
31  
32

33 Policy History:

34 Adopted on:

35 Revised on:

2  
3 **INSTRUCTION**

2450

4  
5 Recognition of Native American Cultural Heritage

6  
7 The District recognizes the distinct and unique cultural heritage of Native Americans and is  
8 committed in the District=s educational goals to the preservation of such heritage.

9  
10 In furtherance of the District=s educational goals, the District is committed to:

11  
12 ! Working cooperatively with Montana Tribes in close proximity to the District, when  
13 providing instruction, when implementing educational goals or adopting rules relating to  
14 education of students in the District;

15  
16 ! Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of  
17 Native Americans, which will include but not necessarily be limited to:

18  
19 § Considering methods by which to provide books and materials reflecting  
20 authentic historical and contemporary portrayals of Native Americans;

21  
22 § Taking into account individual and cultural diversity and differences among  
23 students;

24  
25 ! Providing necessary training for school personnel, with the objective of gaining an  
26 understanding and awareness of Native American culture, which will assist the District=s  
27 staff in its relations with Native American students and parents.

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

31  
32  
33  
34 Legal Reference: Art. X, Sec. 1(2), Montana Constitution  
35 ' ' 20-1-501, et seq., MCA Recognition of American Indian cultural  
36 heritage - legislative intent  
37 10.55.603 ARM Curriculum Development and Assessment  
38 10.55.701 ARM Board of Trustees  
39 10.55.803 ARM Learner Access  
40

41 Policy History:

42 Adopted on:

43 Revised on:

1 **Gardiner School District**

2  
3 **INSTRUCTION**

2510

Page 1 of 2

4  
5 School Wellness

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

10  
11 The local wellness policy, at a minimum, includes:

- 12 1. *Community involvement*, including input from parents, students, school food service, the  
13 school board, school administrators, educators, and the public in the development of the  
14 school wellness policy. Training of this team of people on the components of a healthy  
15 school nutrition environment is recommended.
- 16 2. *Goals for nutrition education, physical activity and other school-based activities* that are  
17 designed to promote student wellness in a manner that the local education agency  
18 determines as appropriate.
- 19 3. *Nutrition guidelines* for all foods available on each school campus under the local  
20 education agency during the school day with the objectives of promoting student health  
21 and nutrient-rich meals and snacks. This includes food and beverages sold in a la carte  
22 sales, vending machines, and student stores; and food and beverages used for classroom  
23 rewards and fundraising efforts.
- 24 4. *Guidelines for reimbursable school meals* to ensure that the District offers school meal  
25 programs with menus meeting the meal patterns and nutrition standards established by  
26 the U.S. Department of Agriculture.
- 27 5. *A plan for measuring implementation* of the local wellness policy, including designation  
28 of one or more persons within the local education agency or at each school, as  
29 appropriate, charged with operational responsibility for ensuring that each school fulfills  
30 the District's local wellness policy.

31  
32 Nutrition Education

33 All students K-12 shall receive nutrition education that teaches the knowledge and skills needed  
34 to adopt healthy eating behaviors and is aligned with the *Montana's Health Enhancement and*  
35 *National Association of Sport and Physical Activity/American Alliance of Health, Physical*  
36 *Education, Recreation and Dance Physical Education Content Standards and Benchmarks*.

37 Nutrition education shall be integrated into the curriculum. Nutrition information and education  
38 shall be offered throughout the school campus and based on the U.S. Dietary Guidelines for  
39 Americans. Staff who provide nutrition education shall have the appropriate training, such as in  
40 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 lifestyle.

### Nutrition Standards

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.

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

### Other School-Based Activities Designed to Promote Student-Wellness

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

### Maintaining Student Wellness

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

Legal Reference: PL 108-265 The Child Nutrition and WIC Reauthorization Act Of 2004

### Policy History:

Adopted on: February 8, 2006

Revised on: February 8, 2006

1 **Gardiner School District**

2  
3 **STUDENTS**

3110  
page 1 of 2

4  
5 Entrance, Placement, and Transfer

6  
7 Entrance, Date, and Age

8  
9 The District will enroll a child in kindergarten or in first grade whose fifth (5<sup>th</sup>) or sixth (6<sup>th</sup>)  
10 birthday occurs on or before the tenth (10<sup>th</sup>) day of September of the school year in which a child  
11 registers to enter school. Parents may request a waiver of the age requirement. All waivers are  
12 granted in the sole discretion of the District. A child who meets the requirement of being six (6)  
13 years old, but who has not completed a kindergarten program, will be tested and placed at the  
14 discretion of the administration. The District requires proof of identity and an immunization  
15 record for every child to be admitted to District schools. The District usually will not assign or  
16 admit any person who has reached age nineteen (19) on or before September 10 of the year to be  
17 enrolled; however, a waiver to this usual practice may be granted.

18  
19 School Entrance

- 20  
21 1. The District requires that a student's parents, legal guardian, or legal custodian present  
22 proof of identity of the child<sup>1</sup> (~~birth certification or certified transcript~~) to the school  
23 within forty (40) days of enrollment, as well as proof of residence in the District.  
24 Students who are not residents of the District may apply for admission pursuant to Policy  
25 3141. Homeless students shall be admitted pursuant to state and federal law, and Policy  
26 3125.  
27  
28 2. To be admitted to District schools, in accordance with the Montana Immunization Law, a  
29 child must have been immunized against diphtheria, pertussis, tetanus, poliomyelitis,  
30 rubella, mumps, and measles (except that pertussis vaccination is not required for  
31 children seven (7) years or older). Immunizations may not be required if a child qualifies  
32 for conditional attendance or an exemption is filed as provided by Montana law.

33  
34 Placement

35  
36 The District goal is to place students at levels and in settings that will increase the probability of  
37 student success. Developmental testing, together with other relevant criteria, including but not  
38 limited to health, maturity, emotional stability, and developmental disabilities, may be  
39 considered in the placement of all students. Final disposition of all placement decisions rests  
40 with the principal, subject to review by the Superintendent or the Board.

41  
42 Transfer

43  
44 District policies regulating the enrollment of students from other accredited elementary and  
45 secondary schools are designed to protect the educational welfare of children.

46  
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

Elementary Grades (K-8): A student transferring into the District will be admitted and placed subject to observation by appropriate teachers and a building principal during a probation period of two (2) weeks. Thereafter, should doubt arise as to initial grade and level placement of a student, school personnel will conduct an educational assessment to determine appropriate grade and level placement.

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: July 1, 2005

Reviewed on: March 12, 2008

Revised on: April 9, 2008

1 **Gardiner School District**

2  
3 **STUDENTS**

3111

4  
5 Admission of High School Transfer Students Who Have Attended Schools Without Recognized  
6 Accreditation, as Well as Home School Students

7  
8 Gardiner High School will accept up to four (4) transfer ninth-(9<sup>th</sup>)-grade credits for students  
9 who attend a non-accredited or home school. Credits may be earned in English, math, social  
10 studies, and science.

11  
12 To qualify for these credits, the student must provide a copy of the work completed for credit.  
13 Gardiner High School teachers in the appropriate department will evaluate the work to determine  
14 if the work is the equivalent of one hundred eighty (180) hours of class time, as well as a  
15 reasonable amount of time which would be considered homework.

16  
17 Students may also qualify for credit, if the school they are transferring from can document the  
18 number of classroom hours per credit (one hundred eighty (180) plus homework time).

19  
20 Students who qualify for all four (4) credits will have sophomore standing at Gardiner High  
21 School. Classes to be taken will be based on the nature of the transferring credits. For example,  
22 students will take a math competency test administered by Gardiner High School, which will  
23 serve both to determine placement for future math classes and to verify that the student qualifies  
24 for the math credit being requested, i.e., Algebra I, Geometry, General Math, etc. Every effort  
25 will be made to prevent a student from repeating during their sophomore year classes they have  
26 already taken.

27  
28 Any student who qualifies for two (2) or more transfer credits under this operating policy will  
29 not be allowed to take two (2) additional credits of correspondence work, as provided in the  
30 student handbook.

31  
32  
33  
34 Policy History:

35 Adopted on:

36 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3115

4  
5 Child Custodial Agreement

6  
7 Confrontations which occur as parents come to school to enact a change in custody arrangements  
8 for their child are disruptive to the school environment, as well as upsetting to the child. On  
9 many occasions the child is unaware of the impending change and is unsettled because of the  
10 sudden uprooting from a familiar environment. Occasionally the parent is a disturbing influence  
11 in the school setting. Unfortunately, if a law enforcement officer is involved, it heightens the  
12 anxiety of the child involved and other students in the school. This policy will help alleviate  
13 disruption to the school environment. It is important to emphasize that every effort should be  
14 made to settle custody disputes outside the school setting.

- 15  
16 1. Parents who come to the school or call the school with information that a child is leaving  
17 because of a change in custodial arrangements should be informed that the Park County  
18 Sheriff=s Department oversees the process. The parent will be directed to go to the  
19 sheriff=s office.  
20  
21 2. The sheriff or other law enforcement officer will check the custodial decree and also  
22 check to see if there are any pertinent restraining orders.  
23  
24 3. If the officer in charge suspects a confrontation may occur at the school, the officer will  
25 call the school, and the building administrator will determine if the child should be  
26 removed from the classroom and placed in a safe location until a decision is made.  
27  
28 4. The sheriff or officer in charge will notify the school about the custodial change. If the  
29 circumstances are questionable, the administrator will call back to verify the call came  
30 from the sheriff=s office.  
31  
32 5. Whenever possible the officer will work around the child=s school schedule in order to  
33 minimize disruption for the child, the classroom teacher, and the other students. The  
34 sheriff=s department will decide on the appropriateness of calling the parent or guardian  
35 who was the former caretaker of the child.  
36  
37 6. If a custody change is to be made during the school day, and the child will be leaving the  
38 District, the school administrator will be responsible for removing the child from the  
39 classroom and/or school. The child may be taken to a neutral location (agreed upon by  
40 the deputy and the school administrator) to be picked up by the custodial parent.

41  
42  
43 Policy History:

44 Adopted on:

45 Revised on:



## STUDENTS

3120

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 (16<sup>th</sup>) birthday; or
2. Completion date of the work of eighth (8<sup>th</sup>) grade.

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 a child and a school.

Legal Reference:	§ 20-1-308, MCA	Religious instruction
	§ 20-5-101, MCA	Admittance of child to school
	§ 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

Policy History:

Adopted on:

Revised on:

**Gardiner School District**

**STUDENTS**

3121

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Enrollment and Attendance Records

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

A district may only include, for ANB purposes, an enrolled pupil 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;
- 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 pupil'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 licenses 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.

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 pupil 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.

Legal Reference:	20-9-706, MCA	Running Start Program
	20-9-707, MCA	Agreement with accredited Montana job corps program

**Gardiner School District**

**STUDENTS**

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page 1 of 2

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.

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 (10<sup>th</sup>) 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 (1<sup>st</sup>) Monday in October and on February 1<sup>st</sup> (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:

Adopted on: July 1, 2005

Revised on: July 19, 2006

1 **Gardiner School District**

2  
3 **STUDENTS**

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page 1 of 5

4  
5 Attendance Policy B Grades 7-12

6  
7 It is the belief at Gardiner School that attendance is very important and absences should be kept  
8 to a minimum. However, the staff recognizes that the time a student spends with his family is  
9 valuable. The intent of this attendance policy is to provide a structure within which students can  
10 gain maximum benefit from the instructional program. The regular contact of pupils with one  
11 another in the classroom and their participation in well-planned instructional activities under the  
12 tutelage of a competent teacher are vital to this purpose.

13  
14 Trustees

15  
16 The Board emphasizes the importance and value of regular attendance, for each student to  
17 experience maximum benefit from the school=s instructional program. Education is a privilege,  
18 and attendance is a condition of that privilege.

19  
20 Parent or Guardian

21  
22 A student=s education, as it relates to attendance, is ultimately the responsibility of the student  
23 and the parents. When a student must be absent from class for illness or other unforeseeable  
24 emergencies, parents must inform the school office of the absence. In addition to the six (6)  
25 personal absences, a parent will be allowed to verify illnesses up to four (4) times  
26 (nonaccumulative) each semester. Parents will be expected to provide written medical  
27 verification for other illnesses. Parents are expected to comply with state and local school laws  
28 and rules regarding school attendance. Parents will be notified of all suspensions.

29  
30 Students

31  
32 Students have the responsibility to participate in the educational opportunities afforded them.  
33 Students should attend school regularly in order to maximize benefits of participation in  
34 classroom activities. If a student must be absent from school, the student is responsible for  
35 contacting the teachers to determine missed assignments and for completing assignments as  
36 required by the teacher. Students absent as a result of suspension are responsible for work  
37 missed.

38  
39 Teachers

40  
41 Teachers have a right to expect regular attendance of their students. Teachers should not be  
42 expected to perform burdensome work as a result of unjustifiable student absences. Teachers  
43 should assist students with make-up work.

### Consequences

Students will be allowed six (6) days per semester, per class, of personal absences without penalty. Students absent seven (7) to ten (10) days will have their semester grade reduced one percent (1%) for each day of absence in excess of six (6). Students who miss eleven (11) days or more will have their semester grade reduced an additional two percent (2%) for each day of absence in excess of ten (10). EXAMPLE: A student missed twelve (12) days of school the first (1<sup>st</sup>) semester. The student's semester grade will be reduced by  $(4 \times 1\%) + (2 \times 2\%)$  or eight percent (8%).

### Exceptions

1. A student absent from school because of a death or serious illness in the family.
2. In addition to the six (6) personal days, a parent will be allowed to verify illnesses up to four (4) times each semester, after which written medical verification will be required. Written verification will not be required, if a student is sent home from school sick. EXAMPLE: A student is home with a cold for two (2) days. The parent writes a note for those two (2) days. Later the student is home for one (1) day with a headache and one (1) day with flu symptoms. The parent has now used the four (4) verifications for that semester. If the student is ill with a sore throat, the school will require a medical verification for that absence to be excused and not count as one (1) of the six (6) personal days.
3. A student attending any school-sponsored activity of an educational nature, with advance approval of the principal.
4. An illness can be considered a disability, if it is permanent, continuing, or affects a life function.
5. A student subpoenaed as a witness, but who is not a defendant in the case, will be granted an excused absence.

### Excused Absence

Students will need a telephone call or a note from the parent or guardian explaining all absences. Students returning from an absence will present a note from the parent to the office personnel and follow office procedures for returning to class, and will contact each teacher to make up their daily assignments and receive full credit. Absences are categorized as follows:

**Parent-verified illness.** (A parent may verify up to four (4) days each semester, after which medical verification will be required.) They may not be accumulated.

**Medical appointments** which cannot be scheduled outside the school day, with doctor=s verification which must be presented by the end of the semester.

**Participation in school activities.**

**Bereavement.**

**Verifiable family emergencies.**

**Personal absences** B up to six (6) per semester.

**County nurse verified** for common childhood diseases.

### Truancy

Truancy is absence from school without permission from a school authority and without parental approval or guardian knowledge and/or permission. It should be noted that the school, not the parent or guardian, determines truancy. Students who are truant will make up missed school time as determined by school administrators. In addition truant students will receive zero (-0-) credit for each day of truancy in each class missed.

#### **First (1<sup>st</sup>) truancy:**

Students will be required to attend one (1) day of in-school suspension or detention as assigned by the principal and have the option of having a discussion with the counselor.

#### **Second (2<sup>nd</sup>) truancy:**

Students will serve one (1) to three (3) days of detention or in-school or out-of-school suspension as determined by the principal and have a discussion with the counselor.

#### **Third (3<sup>rd</sup>) and any subsequent truancy:**

The third (3<sup>rd</sup>) and any subsequent truancy on the part of any student will result in three (3) days of detention or in- or out-of-school suspension. It may also result in a recommendation that the student and the student=s parents appear before the principal or the principal=s designee, to explain why the student should not face expulsion proceedings. The principal may refer the student to the Superintendent, with a recommendation for expulsion. In addition, chronic truants will be reported to legal authorities, as prescribed by law.

### Make-Up Days

To avoid grade reduction, students may make up a maximum of three (3) days of excused absences per semester. Make-up days must be on an equal time basis for each class, excluding study halls, before school, at noon, or after school. Students may arrange for make up by

scheduling a meeting with the teachers and reporting to the principal. Truancy or in- and out-of-school suspension days may not be made up. Make-up days must be scheduled within two (2) days of the date of the excused absence and completed prior to the last day of the quarter.

#### Vacation

If a family is planning an extended vacation, the students may combine their six (6) days and use them in the same semester. Students may use three (3) make-up days. Extended absences due to family vacations must be approved in advance by the principal. Vacation is the only occasion days will be combined, and the total days the student may miss will be fifteen (15) for the year.

EXAMPLE: During the first (1<sup>st</sup>) semester a student misses ten (10) days of school for a family vacation and makes up three (3) days; the second (2<sup>nd</sup>) semester the student would be allowed to miss five (5) days.

#### Suspension/Expulsion

Students expelled or on in- or out-of-school suspension will be counted absent, and the days will be counted toward the six (6) personal days. Students will be allowed a time period equivalent to one-half (2) the length of the suspension/expulsion but no less than twenty-four (24) hours to complete make-up work to the teacher=s satisfaction.

#### Appeals

Appeals for exception to the attendance policy will be made to the Superintendent. The Superintendent=s decision may be appealed to the Board. The request for exception will be made in writing and presented to the Superintendent within five (5) school days of receipt of the principal=s decision to reduce grades. See Policy 1700, Uniform Complaint Procedure.

#### Procedures

On returning to school following any absence except a school-sponsored activity, the student must report to the office and obtain an admit slip. Admit slips will be issued on the basis of a telephone call from a parent or guardian or a note explaining the absence. Before attending school-sponsored activities a student will obtain a school activity make up report.

#### Checking Out of School

When a student finds it necessary to leave after the start of a school day, the student will follow office procedure for checking out of school. The procedure: 1) may require parent permission, 2) must have administrative permission, and 3) the student must sign out. Excessive use of or failure to follow this procedure is considered truancy, and appropriate action, as defined in this policy, will be taken.



1  
2 Cross Reference: 1700 Uniform Complaint Procedure

3  
4 Legal Reference: ' 20-5-103, MCA Compulsory attendance and excuses  
5 ' 20-5-106, MCA Truancy  
6 ' 20-5-107, MCA Incapacitated and indigent child attendance

7  
8 Policy History:

9 Adopted on:

10 Revised on:

## STUDENTS

3125

Education of Homeless Children

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

Should a child become homeless over the course of the school year, the child must be able to remain at the school of origin, 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

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

Policy History:

Adopted on: 12/10/2014

Reviewed on:

Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

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4  
5 Students of Legal Age

6  
7 Every student eighteen (18) years of age or older will be deemed to be an adult and will have  
8 legal capacity to act as such. Such students, like all other students, will comply with the rules  
9 established by the District, pursue the prescribed course of study, and submit to the authority of  
10 teachers and other staff members as required by policy and state law.

11  
12 Admission to School

13  
14 The residence of an adult student who is not residing with a parent or guardian will be  
15 considered the residence for school purposes.

16  
17 Field Trips/Athletic Programs

18  
19 Approved forms for participation will be required of all students. The form should indicate that  
20 the signature is that of the parent or the adult student. Sponsors or coaches will be required to  
21 confirm the ages of those students signing their own forms.

22  
23 Absence/Lateness/Tuancy

24  
25 Absence notes, normally signed by parents or guardians, may be signed by adult students.  
26 Excessive absences will result in consequences according to policy 3122 and will be reported on  
27 the report card.

28  
29 Suspension/Expulsion

30  
31 All suspension and/or expulsion proceedings will conform to the requirements of state statutes.  
32 Notification of all such proceedings will be sent to parents or guardians. Adult students,  
33 however, are permitted to represent themselves if they so choose.

34  
35 Withdrawal from School

36  
37 Adult students may withdraw from school under their own cognizance. Counselors will guide  
38 and counsel potential dropouts and encourage their continued attendance. Parents will be  
39 notified of impending dropouts by the school.

40  
41 Permission to Inspect Student Records

42  
43 Adult students may request permission to inspect their school records if they are eligible students  
44 according to FERPA.

Report Cards

Progress reports will be sent to the parent or legal guardian.

Excuses from School

The school will verify requests from students who wish to leave school early for reasons such as job interviews, college visits, driver testing, etc., with the organization being visited. Permission to leave school early may be denied for what is considered a non-valid reason.

Financial Responsibility

Students of legal age can be held financially responsible for damage to school property.

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

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page 1 of 2

4  
5 Discretionary Nonresident Student Attendance Policy

6  
7 The Board, recognizing that its resident students need an orderly educational process and  
8 environment, free from disruption, overcrowding, and any kind of violence or disruptive  
9 influences, hereby establishes criteria for the discretionary admission of nonresident students.

- 10  
11 1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at  
12 its discretion. As such, the District will screen all nonresident students and consider only  
13 those who meet the criteria set forth in this policy.  
14  
15 2. The Superintendent will recommend to the Board any nonresident student admission in  
16 accordance with this policy, with the Board making the final decision on admission.  
17  
18 3. All students whose legal residence is outside of the District and who do not qualify for  
19 mandatory attendance will be denied enrollment, with the following exceptions:  
20  
21 A. Foreign exchange students, per existing District policy 3145;  
22 B. Children in the immediate family of nonresident District employees;  
23 C. Students who reside in Yellowstone National Park may attend Gardiner Schools  
24 under § 20-5-321, MCA, and pursuant to a cooperative agreement with the State  
25 of Wyoming.  
26 D. Students residing outside the District provided they:  
27  
28 • be in good standing with the most recently attended school in terms of  
29 academics, conduct, and attendance;  
30 • be able to demonstrate a record free of truancy;  
31 • be able to demonstrate a clean behavior record in the school last attended  
32 for a period of at least one (1) year;  
33 • have passing grades for the previous semester;  
34 • have correctly completed the nonresident student application process; and  
35 • present no other educationally related detriment to the students of the  
36 District.  
37  
38 4. The District will examine a student's records from previous school districts before any  
39 Board approval for admission.  
40  
41 5. The District has the option of accepting a nonresident student who does not meet the  
42 criteria set forth by the administration, if the student agrees to special conditions of  
43 admission as set forth by the District.  
44  
45 6. Every nonresident student who attends District schools must reapply for admission for  
46 the succeeding school year by June 15. Admission in one school year does not infer or

guarantee admission in subsequent years.

7. The District will not admit nonresident students when doing so would require hiring additional staff or providing educational services not currently offered or would create crowding of existing classes.
8. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance for the semester, barring registration in another District. At the completion of the semester, a student must apply as a nonresident student.
9. The Board reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any waiver of tuition will be applied equally to all students whose tuition is paid by the same kind of entity (i.e., if the District charges tuition in those circumstances where a resident district pays but waives tuition in those circumstances where a parent or guardian is responsible for tuition, the tuition waiver will be applicable to all students whose parents or guardians bear the responsibility for payment).
10. All nonresident students will be considered ineligible transportees for school transportation services (§ 20-10-101, MCA).
11. The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from District schools.
12. The Board will not admit any student who is expelled from another school district.

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
	10.10.301B, ARM	Out-of-District Attendance Agreements

Policy History:

Adopted on: July 1, 2005

Reviewed on:

Revised on: 2/12/2015

**APPLICATION FOR OUT-OF-DISTRICT ATTENDANCE**  
**GARDINER PUBLIC SCHOOLS\***  
**510 Stone St, MT 59030**

*Except as provided by ' 20-5-321, MCA, admission to Gardiner Public Schools as an out-of-District student is a privilege and not a right. In accordance with the Board's out-of-District attendance policy, all out-of-District students must apply for admission each school year no later than June 15. Applications received after this date will not be considered. Specific admission criteria are outlined in the policy. A separate application form must be completed for each student seeking admission.*

I hereby request that attendance in the Gardiner Public Schools be approved for the following-named child for the 20\_\_ - 20\_\_ school year.

\_\_\_\_\_  
*Student's Name*

\_\_\_\_\_  
*Current School Enrolled In*

\_\_\_\_\_  
*Current Grade*

Name and mailing address of custodial parent, legal guardian, or other person with documented legal custody of this student. If there are separate addresses for mother and father, please list both. Also list name(s) of school district(s) in which this residence is located.

\_\_\_\_\_  
*Name and Mailing Address*

\_\_\_\_\_  
*School District*

\_\_\_\_\_  
*Name and Mailing Address*

\_\_\_\_\_  
*School District*

Physical address of residence where child is actually living. Box or route number is not enough. Students not residing with custodial parent, legal guardian, or other person with documented legal custody will not be admitted except by court order, unless custodial parent, legal guardian, or other person with documented legal custody also resides in the district.

\_\_\_\_\_  
*Address of Parent/Guardian*

\_\_\_\_\_  
*Section, Township, and Range*

Please answer **Yes** or **No** to the following questions. If you answer **Yes** to a question, please explain in the space provided. Failure to answer all questions or false representation may be grounds to not admit or to remove a student from Gardiner Schools.

1. Will bus transportation services be requested? **Yes** \_\_\_\_ **No** \_\_\_\_

2. Will special education services be requested? **Yes** \_\_\_\_ **No** \_\_\_\_

*This information will be used for staffing purposes only and will not be considered as criteria for admission.*

Items for consideration on the application for out-of-District students to Gardiner Public Schools:

3. Has your child been expelled or suspended from a former school? Yes \_\_\_\_ No \_\_\_\_

4. Does your child have a criminal record? Yes \_\_\_\_ No \_\_\_\_

5. Has your child been absent for more than 10 days in a semester at any former school district? Yes \_\_\_\_ No \_\_\_\_

BY SIGNING THIS APPLICATION, I AM ACKNOWLEDGING THAT I KNOW AND UNDERSTAND THAT THE DISTRICT MAY INVESTIGATE THE STUDENT'S RECORDS AND HISTORY IN DETERMINING ELIGIBILITY FOR POSSIBLE ADMISSION TO DISTRICT SCHOOLS. FURTHER, I GIVE PERMISSION FOR EXAMINATION OF ANY AND ALL RECORDS OR DOCUMENTS SO PERTAINING.

\_\_\_\_\_  
*Signature of Parent/Guardian*

\_\_\_\_\_  
*Date*

*\* Completion of this application does not ensure the applicant will be admitted to Gardiner Public Schools. Please make any appropriate arrangements in the event the applicant is ultimately not admitted.*

**FOR DISTRICT USE ONLY**

Date application postmarked \_\_\_\_\_

The Application for Out-of-District Attendance is: \_\_\_\_ **Approved**  
\_\_\_\_ **Not Approved**

Reason for Non-Approval:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Superintendent's Signature*

\_\_\_\_\_  
*Date*



1 **Gardiner School District**

2  
3 **STUDENTS**

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page 1 of 3

4  
5 Non-Immigrant\* Student Policy

6  
7 It is the Board's policy to recognize the benefits of non-immigrant students in the District. The  
8 Board does not, however, sponsor student foreign exchange programs. The Board may approve  
9 tuition-free classroom experiences for non-immigrant students. It is understood that approval  
10 only signifies the District's willingness to allow a student to attend without tuition. The District  
11 does not provide any other financial contribution to the student. The student is responsible for  
12 all other fees. The Board assumes no responsibility or control over aspects such as travel, living  
13 accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or  
14 the student.

15  
16 The District's goal is that a mutually beneficial exchange exist between the non-immigrant  
17 student and the District. The non-immigrant student is expected to make a contribution to the  
18 community and school by sharing his/her culture. The District encourages students to speak  
19 about their country to classes at any grade level and encourages District students to explore  
20 opportunities to travel and study abroad. Non-immigrant students will be subject to the same  
21 policies and attendance requirements as regular students unless otherwise noted.

22  
23 The following guidelines have been developed so that both the District and the non-immigrant  
24 students attending the District have a quality experience. Individuals and CSIET\*\* non-certified  
25 programs or individuals has been far less positive than with CSIET certified programs.  
26 Therefore enrollment priority will be granted to J-1 students from a certified CSIET organization  
27 until June 30<sup>th</sup>.

28  
29 Definitions

30  
31 A student with a J-1 visa is a cultural exchange visitor, who may or may not be seeking a high  
32 school diploma. Students may participate in graduation ceremonies but will receive a certificate  
33 of attendance.

34  
35 A student with an F-1 visa (requesting I-20\*\*\*) is an academic student entering the United  
36 States for the purpose of attending school.

37  
38 J-1 Students

39  
40 The sponsoring organization must be certified through CSIET and provide the school with:

- 41  
42 1. Academic records (in English);  
43 2. Health records and proof of Montana-required immunization (in English);  
44 3. Proof of insurance covering health, accident, and liability;  
45 4. Arrival and departure dates;

46  
3145

5. Name, address, and phone number of host family and their responsibilities;
6. Name, address, and phone number of area representative and their responsibilities;
7. Priority will be given to students registered by June 30<sup>th</sup>.

An area representative must meet with the school representative prior to admittance of any student. Host families must have a meeting or telephone contact with the guidance counselor prior to the student's arrival.

#### F-1 Students

Before issuance of an I-20 will be considered, by July 31<sup>st</sup> the applicant must provide the District with:

1. Proof of a TOEFL\*\*\*\* score of five hundred twenty (520) or above;
2. Academic records evaluated by Educational Credential Evaluators, Inc.\*\*\*\*\*;
3. Health records and proof of Montana-required immunization (in English);
4. Proof of insurance covering health, accident, and liability;
5. Proof of financial ability for the school year;
6. Signed Out-of-District Application for Attendance form;
7. Arrival and departure dates;
8. Name, address, and telephone number of sponsoring family.

#### Designated School Officials

The Superintendent will be the "designated school official," to be responsible for issuing, denying, and terminating I-20's. Renewal of I-20's is at the discretion of the designated school official. The following information must be kept on file for each non-immigrant F-1 visa holder, as required by the Immigration and Naturalization Service:

1. Name;
2. Country of citizenship;
3. Current address and telephone number in Gardiner (the school must immediately be notified upon any change);
4. Status (must be full-time);
5. Current list of classes;
6. Date of commencement of studies;
7. Expected date of completion;
8. Non-immigrant classification;
9. Termination date and reason if known;
10. Documents showing the scholastic ability and financial status on which the student's admission to the school was based;
11. Information specified by the Immigration and Naturalization Service, necessary to

1  
2 identify the student, such as date and place of birth, and to determine the student's  
3 immigration status;

4 12. Photocopy of the student's Form I-20 ID showing admission number;

5 13. Photocopy of the student's Form I-94 (departure record);

6 14. Photocopy of ID page and visa page of student's passport.

7  
8 The Board reserves the right to withdraw approval and regulate the number of students  
9 participating.

10  
11  
12 \* *For purposes of this policy, all foreign-born students present in the District on non-*  
13 *immigrant visa (J-1 or F-1) are referred to as "non-immigrant students." Foreign-born*  
14 *students with B-2, W-T, or W-B visa status will not be granted enrollment in the District.*

15  
16 \*\* *The Council on Standards for International Education Travel (CSIET) is a private*  
17 *nonprofit organization committed to developing standards, providing a system of*  
18 *evaluating programs in terms of those standards, and publishing an annual list of*  
19 *programs that meet the criteria. The Montana High School Association (MHSA)*  
20 *recognizes only CSIET certified organizations.*

21  
22 \*\*\* *I-20 is the form the school signs, giving permission for the student to attend school. This*  
23 *information is used by the U.S. State Department to decide whether or not an F-1*  
24 *(academic) visa will be issued.*

25  
26 \*\*\*\* *TOEFL is an internationally accepted standard test for English proficiency (TOEFL,*  
27 *P.O. Box 6151, Princeton, NJ 08541-6151).*

28  
29 \*\*\*\*\* *Educational Credentials Evaluators, Inc., P.O. Box 17499, Milwaukee, WI 53217.*

30  
31  
32  
33 Legal Reference: 20 U.S.C. 221, et seq.

34  
35 Policy History:

36 Adopted on:

37 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3150

4  
5 Part-Time Attendance

6  
7 The District will not accept students eligible to enroll in grades K-8 on a part-time basis unless  
8 they are disabled. The District will review requests for part-time enrollment of grades 9-12  
9 students on a case-by-case basis, with a building principal making a final decision. The District  
10 will consider only those students who are not enrolled in any other school, including a home  
11 school.  
12

13 Criteria for accepting students grades 9-12 for part-time enrollment are the following:  
14

- 15 1. Accepting a student will not create excess student enrollment in a requested class;  
16 2. Accepting a student will not create need for an additional staff member;  
17 3. Accepting a student will not cause a new section of a course to be created.  
18

19 The District will accept on a first-come, first-serve basis students wishing to enroll in the same  
20 course. Whenever the enrollment position of a part-time student is needed for a regular,  
21 full-time student during the year, a full-time student has priority for the position beginning with  
22 the next semester.  
23  
24  
25

26 Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB)  
27

28 Policy History:

29 Adopted on:

30 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3200

4  
5 Student Rights and Responsibilities

6  
7 The District recognizes fully that all students are entitled to enjoy the rights protected under  
8 federal and state constitutions and law for persons of their age and maturity in a school setting.  
9 The District expects students to exercise these rights reasonably and to avoid violating the rights  
10 of others. The District may impose disciplinary measures whenever students violate the rights of  
11 others or violate District policies or rules.  
12  
13  
14

15 Cross Reference: 3231 Searches and Seizure  
16 3310 Student Discipline  
17

18 Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of  
19 corporal punishment  
20 § 20-5-201, MCA Duties and sanctions  
21 *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)  
22

23 Policy History:

24 Adopted on:

25 Revised on:

2  
3 **STUDENTS**

3210

4  
5 Equal Education, Nondiscrimination and Sex Equity

6  
7 The District will make equal educational opportunities available for all students without regard  
8 to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical  
9 or mental handicap or disability, economic or social condition, or actual or potential marital or  
10 parental status.

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

15  
16 Inquiries regarding discrimination or intimidation should be directed to the District Title IX  
17 Coordinator. Any individual may file a complaint alleging violation of this policy by following  
18 the Uniform Complaint Procedure (Policy 1700).

19  
20 The District, in compliance with federal regulations, will notify annually all students, parents,  
21 staff, and community members of this policy and the designated coordinator to receive inquiries.  
22 This annual notification will include the name and location of the coordinator and will be  
23 included in all handbooks.

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

28  
29  
30  
31 Legal Reference: Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education  
32 § 49-2-307, MCA Discrimination in education  
33 24.9.1001, et seq., ARM Sex discrimination in education  
34

35 Policy History:

36 Adopted on:

37 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3221

4  
5 Student Publications

6  
7 Student publications produced as part of the school's curriculum or with the support of student  
8 body funds are intended to serve both as vehicles for instruction and student communications.  
9 They are operated and substantively financed by the student body and the District.

10  
11 Material appearing in such publications should reflect all areas of student interest, including  
12 topics about which there may be controversy and dissent. Controversial issues may be presented  
13 provided they are treated in depth and represent a variety of viewpoints. Such materials may not  
14 be libelous, obscene, or profane nor may they cause a substantial disruption of the school, invade  
15 the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the  
16 violation of the law. They may not advertise tobacco, ***nicotine***, liquor, illicit drugs or drug  
17 paraphernalia.

18  
19 The Superintendent shall develop guidelines to implement these standards and shall establish  
20 procedures for the prompt review of any materials which appear not to comply with the  
21 standards.

22  
23  
24  
25 Policy History:

26 Adopted on: July 1, 2005

27 Reviewed on: March 10, 2010

28 Revised on: April 14, 2010

1 **Gardiner School District**

2  
3 **STUDENTS**

3222

4  
5 Distribution and Posting of Materials

6  
7 District policy allows distribution of materials of parent and student organizations sponsored by  
8 the District or other governmental agencies. The District also may allow distribution of  
9 materials that provide information valued or needed by the District.

10  
11 The Superintendent or principal must approve all materials before they may be distributed by  
12 any organization.

13  
14 To facilitate the distribution of materials with information about student activities, each school  
15 may maintain a centrally located bulletin board for the posting of materials, and/or maintain a  
16 table available to students for placing approved materials.

17  
18  
19  
20 Policy History:

21 Adopted on:

22 Revised on:



1     **Gardiner School District**

2  
3     **STUDENTS**

3224

4  
5     Student Dress

6  
7     The District recognizes that a student's choice of dress and grooming habits demonstrate  
8     personal style and preference. The District has the responsibility to ensure proper and  
9     appropriate conditions for learning, along with protecting the health and safety of its student  
10    body. Even though the schools will allow a wide variety of clothing styles, dress and grooming  
11    must not materially or substantially disrupt the educational process of the school or create a  
12    health or safety hazard for students, staff, or others.

13  
14    Building administrators shall establish procedures for the monitoring of student dress and  
15    grooming in school or while engaging in extracurricular activities. Specific regulations shall be  
16    published annually in student handbooks.

17  
18  
19  
20    Policy History:

21    Adopted on:

22    Revised on:

**STUDENTS**

3225

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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, cyber-bullying or sexting, 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 a 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 intimidations 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  
Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.  
34 CFR Part 106

Policy History:

Adopted on:

Revised on: March 13, 2013

**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.)*

&lt; Who was responsible for the harassment or incident(s)? \_\_\_\_\_

&lt; Describe the incident(s). \_\_\_\_\_

&lt; 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 \_\_\_\_\_

1 **Gardiner School District**

2  
3 **STUDENTS**

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4  
5 Hazing/Harassment/Intimidation/Bullying/Menacing

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

10  
11 Students whose behavior is found to be in violation of this policy will be subject to discipline up  
12 to and including expulsion. Staff whose behavior is found to be in violation of this policy will  
13 be subject to discipline up to and including dismissal. Third parties whose behavior is found to  
14 be in violation of this policy shall be subject to appropriate sanctions as determined and imposed  
15 by the Superintendent or the Board.

16  
17 Individuals may also be referred to law enforcement officials.

18  
19 The Superintendent is directed to develop administrative regulations to implement this policy.  
20 Regulations shall include descriptions of prohibited conduct and reporting and investigative  
21 procedures, as needed, and provisions to ensure notice of this policy is provided to students,  
22 staff, and third parties.

23  
24  
25  
26 Policy History:

27 Adopted on:

28 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3231

4  
5 Searches and Seizure

6  
7 The goal of search and seizure with respect to students is meeting the educational needs of  
8 children and ensuring their security. The objective of any search and/or seizure is not the  
9 eradication of crime in the community. Searches may be carried out to recover stolen property,  
10 to detect illegal substances or weapons or to uncover any matter reasonably believed to be a  
11 threat to the maintenance of an orderly educational environment. The Board authorizes school  
12 authorities to conduct reasonable searches of school property and equipment, as well as of  
13 students and their personal effects, to maintain order and security in the schools  
14

15 School Property and Equipment and Personal Effects of Students

16  
17 School authorities may inspect and search school property and equipment owned or controlled by  
18 the District (such as lockers, desks, and parking lots), as well as personal effects left there by  
19 students, without notice or consent of a student. This applies to student vehicles parked on  
20 school property. Building principals may require each high school student, in return for the  
21 privilege of parking on school property, to consent in writing to school searches of his or her  
22 vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists.  
23

24 The Superintendent may request the assistance of law enforcement officials, including their use  
25 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and  
26 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous  
27 substances or material.  
28

29 Students

30  
31 School authorities may search a student or a student's personal effects in a student's possession  
32 when reasonable grounds suggest a search will produce evidence that the particular student has  
33 violated or is violating a law or District student conduct rules. The search itself must be  
34 conducted in a manner that is reasonably related to its objectives and not excessively intrusive in  
35 light of age and sex of a student and the nature of the suspected infraction.  
36

37 Seizure of Property

38  
39 When a search produces evidence that a student has violated or is violating either a law or  
40 District policies or rules, such evidence may be seized and impounded by school authorities and  
41 disciplinary action may be taken. As appropriate, such evidence may be transferred to law  
42 enforcement authorities.  
43

44 Policy History:

45 Adopted on: 7/1/05

46 Revised on: 8/13/14

1 **Gardiner School District**

2  
3 **STUDENTS**

3231P

4  
5 Searches and Seizure

6  
7 The following rules shall apply to any searches and the seizure of any property by school  
8 personnel:  
9

- 10 1. The Superintendent, principal, and the authorized assistants of either shall be authorized  
11 to conduct any searches or to seize property on or near school premises, as further  
12 provided in this procedure.  
13  
14 2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or  
15 other container of any kind on school premises contains any item or substance which  
16 constitutes an imminent danger to the health and safety of any person or to the property of  
17 any person or the District, the administrator is authorized to conduct a search of any car  
18 or container and to seize any such item or substance.  
19

20 The authorized administrator may perform random searches of any locker, car, or  
21 container of any kind on school premises without notice or consent.  
22

- 23 3. If the authorized administrator has any reasonable suspicion to believe that any student  
24 has any item or substance in his/her possession, which constitutes an imminent danger to  
25 the property of any person or the District, the administrator is authorized to conduct a  
26 search of any car or container and to seize any such item or substance.  
27  
28 4. No student shall hinder, obstruct, or prevent any search authorized by this procedure.  
29  
30 5. Whenever circumstances allow, any search or seizure authorized in this procedure shall  
31 be conducted in the presence of at least one (1) adult witness, and a written record of the  
32 time, date, and results shall be made by the administrator. A copy shall be forwarded to  
33 the Superintendent as soon as possible.  
34  
35 6. In any instance where an item or substance is found which would appear to be in violation  
36 of the law, the circumstance shall be reported promptly to the appropriate law  
37 enforcement agency.  
38  
39 7. In any situation where the administrator is in doubt as to the propriety of proceeding with  
40 any search or seizure, the administrator is authorized to report to and comply with the  
41 directions of any public law enforcement agency.  
42

43 Procedure History:

44 Promulgated on:

45 Revised on: 8/13/14

1 **Gardiner School District**

2  
3 **STUDENTS**

3233

4  
5 Student Use of Buildings: Equal Access

6  
7 Non-curriculum-related secondary school student organizations may conduct meetings on school  
8 premises without intervention on the basis of the religious, political, philosophical, or other  
9 content of the meeting.

10  
11 The following criteria must be met:

- 12  
13 1. The meeting is voluntary and student-initiated.  
14  
15 2. There is no sponsorship of the meeting by the school, the government, or its agents or  
16 employees.  
17  
18 3. The meeting must occur during non-instructional time on regular school days.  
19  
20 4. Employees or agents of the school or government are present only in a non-participatory  
21 capacity.  
22  
23 5. The meeting does not materially and substantially interfere with the orderly conduct of  
24 educational activities within the school.  
25  
26 6. Non-school persons may not direct, conduct, control, or regularly attend activities.

27  
28 Although the school assumes no sponsorship of these kinds of meetings, all meetings held on  
29 school premises must be scheduled and approved by the principal or the principal's designee.

30  
31 This policy pertains to student meetings in the middle and high schools. It does not apply to  
32 student meetings in any other school within the District or to non-student groups. The school  
33 has the authority, through its agent or employees, to maintain order and discipline on school  
34 premises and to protect the well-being of students and faculty.

35  
36  
37  
38 Legal Reference: 20 U.S.C. 4071 Equal Access Act  
39 *Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)  
40

41 Policy History:

42 Adopted on:

43 Revised on:



1     **Gardiner School District**

2  
3     **STUDENTS**

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4  
5     Video Surveillance

6  
7     The Board authorizes the use of video cameras on District property to ensure the health, welfare,  
8     and safety of all staff, students, and visitors to District property and to safeguard District  
9     buildings, grounds, and equipment. The Superintendent will approve appropriate locations for  
10    video cameras.

11  
12    The Superintendent will notify staff and students through staff and student handbooks or by  
13    other means that video surveillance may occur on District property.

14  
15    The District may choose to make video recordings a part of a student's educational record or of a  
16    staff member's personnel record. The District will comply with all applicable state and federal  
17    laws related to record maintenance and retention.

18  
19    Video recordings will be totally without sound.

20  
21  
22  
23    Cross-Reference:     3600   Student Records

24  
25    Policy History:

26    Adopted on:

27    Revised on:

2  
3 **STUDENTS**

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4  
5 Suspension and Expulsion

6  
7 The District recognizes and honors students ' constitutional right to education opportunity.  
8 However, as provide under Montana law, the District will exercise its right to suspend or expel a  
9 student when necessary. The District expects all students to know and follow District policies  
10 and rules. The District considers a student ' s failure or refusal to comply with District policies  
11 and rules cause for discipline, including short-term suspension, long-term suspension, or  
12 expulsion.

13  
14 The following definitions apply for purposes of this policy:

15  
16 "In-school suspension" means temporary removal from the regular environment, but the  
17 student is permitted to maintain his/her educational progress. Students assigned to in-  
18 school suspension are granted this opportunity as a privilege and are expected to comply  
19 with staff expectations. The Superintendent will establish guidelines for operation of the  
20 in-school suspension program.

21  
22 "Short-term suspension" means exclusion from school or from individual classes for a  
23 specific period of time, not to exceed ten (10) consecutive days per incident, after which a  
24 student has the right to return to school and classes. An administrator may order short-  
25 term suspension of a student.

26  
27 "Long-term suspension" means exclusion from school for a specific period of time  
28 longer than ten (10) consecutive days per incident, after which a student has the right to  
29 return to school. The Superintendent may order long-term suspension of a student, with  
30 due process, including, without limitation, Board action.

31  
32 "Expulsion" means permanent exclusion from school. Expulsion is a disciplinary action  
33 available only to the Board.

34  
35 Students with disabilities will be suspended or expelled pursuant to provisions of the Individuals  
36 with Disabilities Education Act (IDEA) and corresponding Montana law.

37  
38 The Board authorizes a building administrator to order an emergency long-term suspension  
39 pending due process, if a student ' s presence in school poses a danger to the student, other  
40 persons, or property or poses disruption of education. The District must afford the student  
41 appropriate due process as soon as possible following suspension of the student.

42  
43 The Superintendent will develop procedures to implement this policy and submit the procedures  
44 to the Board for its advice and consent.  
45

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
	' 20-5-105, MCA	Attendance officer – powers and duties
	' 20-5-106, MCA	Truancy
	' 20-5-201, MCA	Duties and sanctions
	' 20-5-202, MCA	Suspension and expulsion
	ARM 10.16.3346	Aversive Treatment Procedures

Policy History:

Adoption on:

Revised on: 8/13/2014

2  
3 **STUDENTS**

3300P

page 1 of 3

4  
5 Corrective Actions and Punishment

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

8  
9 Suspension

10  
11 The school principal and/or the Superintendent may suspend a student. In cases of this type an  
12 informal hearing between the principal and/or the Superintendent and any appropriate persons  
13 will be conducted. If after the hearing is completed the principal and/or the Superintendent  
14 decides a suspension is necessary, the suspension will become effective immediately. The  
15 principal will attempt to notify parents of the affected students by phone, when a suspension is  
16 made.

17  
18 Students who are suspended out-of-school have the right to make up any work missed according  
19 to the student handbook but do not receive credit.

20  
21 **In-School Suspension Rules**

22 The principal will have authority to suspend any pupil for good cause.

23  
24 A student placed on in-school suspension will report to the principal's office by 8:00 AM the  
25 next day and each additional day. Any infraction may cause a student to be placed on in-school  
26 suspension. The principal may suspend a student for up to five (5) days.

27  
28 Students will be allowed to attend or participate in extracurricular activities during in-school  
29 suspension. Students will be isolated during their suspension time.

30  
31 *In-School Suspension Alternative*

- 32 1. If the parent of a suspended student agrees to come to school and attend class with their  
33 child for one (1) day, the suspension of and all academic penalties will be dropped.  
34  
35 2. This alternative is only for a one-(1)-day suspension or the first (1<sup>st</sup>) day of a two-(2)- or  
36 three-(3)-day suspension.  
37  
38 3. A student can use this alternative only once during the school year.  
39  
40 4. This is an optional alternative; it is up to the parent and student to decide.

41  
42 Expulsion

43  
44 The Board and only the Board may expel a student from school and may do so only after  
45 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. A notice will include time and place of a hearing, information describing the process to be used to conduct a hearing and notice that the Board intends to conduct a hearing in closed session unless a parent or legal guardian waives a 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.

#### Procedures for Suspension and Expulsion of Students with Disabilities

The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) when disciplining students. The Board will not expel any special education student when a student's particular act of gross disobedience or misconduct is a manifestation of a 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 a student's disability. A disabled student will continue to receive education services as provided in the IDEA 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 schools 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 a student in a student's current placement is substantially likely to result in injury to a 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) days in accordance with the IDEA.

Procedure History:

Promulgated on: 7/1/2005

Revised on: 8/13/2014

**STUDENTS**

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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.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. 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 illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. 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.

#### Gun-Free Schools

The Board will expel any student who uses, possesses, controls, or transfers a firearm or any object that can reasonably be considered or looks like a firearm, for a definite period of time of at least one (1) calendar year. The Board may modify an expulsion period on a case-by-case basis. A building administrator will notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

For purposes of this section a “firearm” means any device as defined in 18 U.S.C. § 921. “Firearm” also includes any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including but not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks; 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. “Firearm” also includes any object, device or instrument having the appearance of a weapon, including such objects, devices or instruments 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.



When a student violating this gun-free policy is identified as disabled, either under the IDEA or Section 504 of the Rehabilitation Act of 1973, a building administrator must determine whether a student's conduct is related to disability. If a violation of policy is owing to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

The Board will grant a hearing for any student subject to an expulsion in accordance with § 20-5-202, MCA, and Policy 3300.

#### Possession of a Weapon in a School Building

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, except as provided below, 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.

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; "weapon" means any type of firearm, a knife with a blade four (4) or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, firecrackers, or brass or other metal knuckles.

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.

This policy does not apply to law enforcement personnel.

#### 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 Corrective Actions and Punishment

Legal Reference:      § 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

20 U.S.C. § 8921, et seq.

Gun Free Schools Act of 1994

29 U.S.C. § 701

Rehabilitation Act of 1973

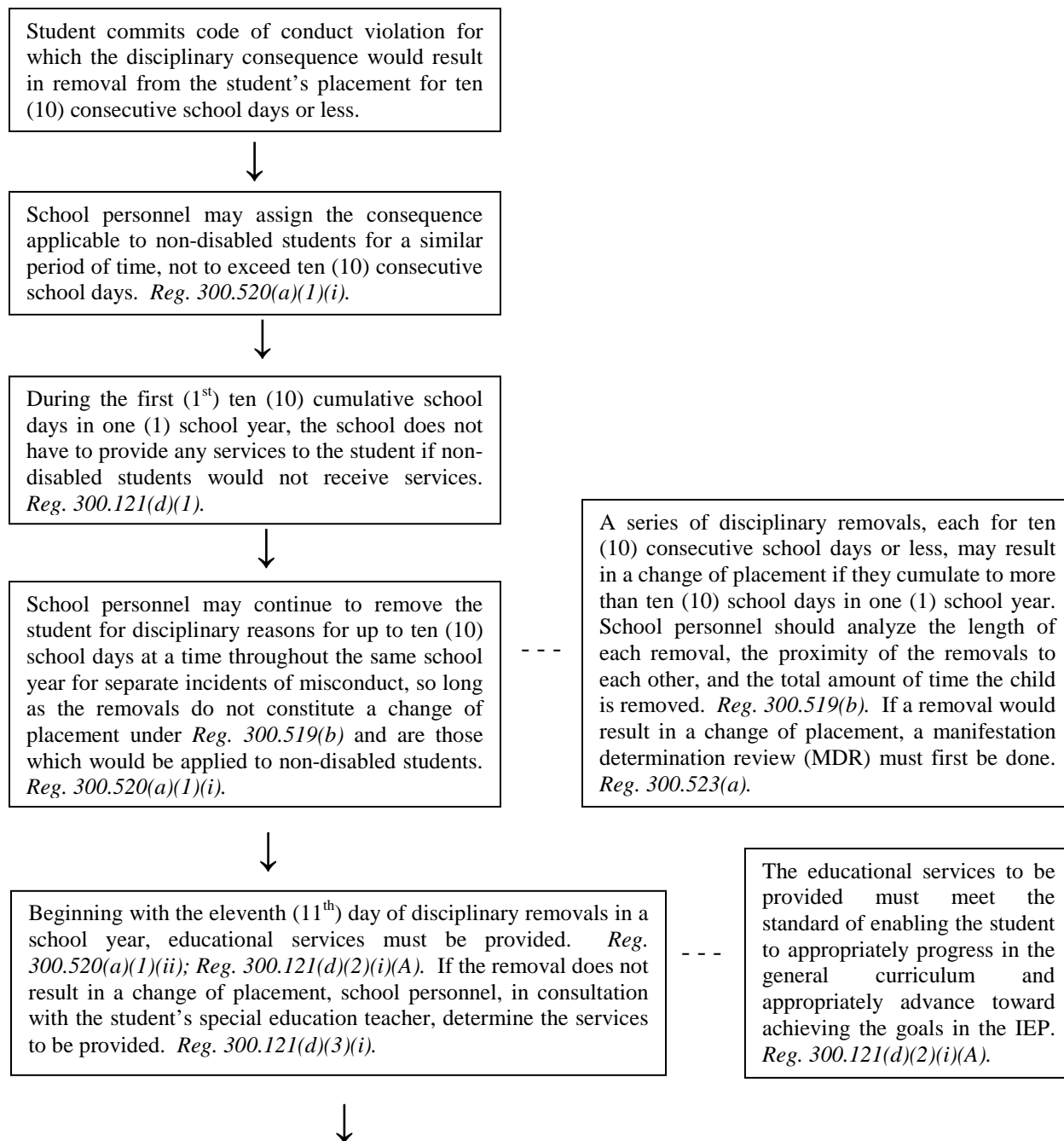
Policy History:

Adopted on: 7/1/2005

Revised on: 8/13/2014

Discipline of Students With Disabilities

**Code of Conduct Violations by Students With Disabilities, Resulting  
in Disciplinary Consequences of Ten (10) School Days or Less**



Beginning with the eleventh (11<sup>th</sup>) 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).*

---  
If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*



**Code of Conduct Violations by Students With Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More Than Ten (10) School Days (Excluding Drug and Weapon Offenses)**

Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a).*



---  
The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*

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)*.

- - -

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a), (b)*.

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in *Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2)*.

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a)*. Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c)*. The hearing officer applies the standards in *Reg. 300.121. Reg. 300.526(c)*. Hearing officer can order another placement for up to forty-five (45) days. *Reg. 300.526(c)(3)*. This procedure may be repeated as necessary. *Sec. 1415(k)(7); Reg. 300.526(c)(4)*.

- - -

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a)*. The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii)*.

## 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)*.

**- or -**

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a)*. The campus must ensure that special education and disciplinary 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)*.



### Students Dangerous to Self or Others

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.

*Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).*

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).*

- - -



If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*



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:

Revised on: 8/13/2014

2  
3 **STUDENTS**

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4  
5  
6 **FIREARMS AND WEAPONS**

7  
8 **Firearms**

9  
10 For the purposes of the firearms section of this policy, the term “firearm” means (A) any weapon  
11 (including a starter gun) which will or is designed to or may readily be converted to expel a  
12 projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any  
13 firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4).  
14 Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

15  
16 It is the policy of the Gardiner School District to comply with the federal Gun Free Schools Act  
17 of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or  
18 possess a firearm at, any setting that is under the control and supervision of the school district. In  
19 accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend  
20 immediately for good cause a student who is determined to have brought a firearm to, or possess  
21 a firearm at, any setting that is under the control and supervision of the school district. In  
22 accordance with Montana law, a student who is determined to have brought a firearm to, or  
23 possess a firearm at, any setting that is under the control and supervision of the school district  
24 must be expelled from school for a period of not less than 1 year.

25  
26 However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the  
27 underlying circumstances and, in the discretion of the Board, may authorize the school  
28 administration to modify the requirement for expulsion of a student.

29  
30 **Possession of Weapons other than Firearms**

31 The District does not allow weapons on school property. Any student found to have possessed,  
32 used or transferred a weapon on school property will be subject to discipline in accordance with  
33 the District’s discipline policy. For purposes of this section, “weapon” means any object, device,  
34 or instrument designed as a weapon or through its use is capable of threatening or producing  
35 bodily harm or which may be used to inflict self-injury, including but not limited to air guns;  
36 pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles;  
37 numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other  
38 propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified  
39 to serve as a weapon.

40  
41 No person shall possess, use, or distribute any object, device, or instrument having the  
42 appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons,  
43 including but not limited to weapons listed above which are broken or non-functional, look-alike  
44 guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles  
45 designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors,  
46 etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and

1 use of a weapon.

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

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

11  
12 The Board may grant persons and entities advance permission to possess, carry, or store a  
13 weapon in a school building. All persons who wish to possess, carry, or store a weapon in a  
14 school building must request permission of the Board at a regular meeting. The Board has sole  
15 discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school  
16 building. (45-8-361 (3b))

17  
18 This policy does not apply to law enforcement officers acting in his or her official capacity.  
19 (45-8-361 (3a))

20  
21 The trustees shall annually review this policy and update this policy as determined necessary by  
22 the trustees based on changing circumstances pertaining to school safety.

23  
24  
25  
26 *Note: Section (g) of the NCLB Section 4141 – Gun Free Requirements, carves out a very*  
27 *significant exception to the Gun Free Schools Act in that it allows a student to have “a firearm*  
28 *that is lawfully stored inside a locked vehicle on school property. . .” Montana law (20-5-202,*  
29 *MCA), on the other hand, does not provide for any exception to the expulsion requirement if a*  
30 *student has a firearm that is lawfully stored inside a locked vehicle on school property. The only*  
31 *reference to federal law in 20-5-202(2), MCA is the federal definition of a firearm. As you well*  
32 *know 20-5-202(2), MCA provides that:*

33 *(2) The trustees of a district shall adopt a policy for the expulsion of a student who is*  
34 *determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring*  
35 *the matter to the appropriate local law enforcement agency. A student who is determined to have*  
36 *brought a firearm to school under this subsection must be expelled from school for a period of*  
37 *not less than 1 year, except that the trustees may authorize the school administration to modify*  
38 *the requirement for expulsion of a student on a case-by-case basis.*

39 *So, Montana schools are required, by state law, to expel a student from school for a period of*  
40 *not less than 1 year if it is determined that the student brought a firearm to school, subject to the*  
41 *case-by-case exception noted in the statute. Based upon the exception noted in federal law and*  
42 *in circumstances where a student is found to have a firearm on school property in a locked*  
43 *vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to*  
44 *support any recommendation for expulsion.*

45 *There is one significant inconsistency between the Federal Gun Free Schools Act and Montana*  
46 *is that under federal law it provides that “State law **shall** allow the chief administering officer of*

1 *a local educational agency to modify such expulsion requirement for a student on a case-by-case*  
2 *basis if such modification is in writing,” whereas 20-5-202(2), MCA, provides that the trustees*  
3 ***may** authorize the school administration to modify the requirement for expulsion of a student on*  
4 *a case-by-case basis.*

5  
6  
7 Cross Reference: Policy 3310 Student Discipline  
8 Policy 4332 Conduct of School Property  
9

10  
11 Legal Reference: § 20-5-202, MCA Suspension and expulsion  
12 § 45-8-361, MCA Possession or allowing possession of  
13 a weapon in a school building  
14 20 U.S.C. § 7151, et seq. Gun Free Schools Act of 1994  
15 18 U.S.C. § 921 Definitions  
16 NCLB, Section 4141 Gun Free Requirements  
17

18 Policy History:

19 Adopted on: 9/10/2014

20 Reviewed on:

21 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

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4  
5 Detention

6  
7 For minor infractions of school rules or regulations, or for minor misconduct, staff may detain  
8 students.

9  
10 Preceding the assessment of such punishment, the staff member shall inform the student of the  
11 nature of the offense charged and/or the specific conduct which allegedly constitutes the  
12 violation. The student shall be afforded an opportunity to explain or justify his/her actions to the  
13 staff member. Parents must be notified prior to a student serving an after-school detention.

14  
15 Students detained for corrective action or punishment shall be under the supervision of the staff  
16 member or designee.

17  
18  
19  
20 Policy History:

21 Adopted on:

22 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3340

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

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

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

14  
15 Provide a chemical-free environment which will encourage healthy development;

16  
17 Diminish chemical use by providing an education assistance program;

18  
19 Promote a sense of self-discipline among students;

20  
21 Confirm and support existing state laws which prohibit use of mood-altering chemicals;

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

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

28  
29 Violations of established rules and regulations governing chemical use by participants in extra  
30 and co-curricular activities will result in discipline as stated in student and athletic handbooks.

31  
32  
33  
34 Legal Reference: § 20-5-201, MCA Duties and sanctions

35  
36 Policy History:

37 Adopted on:

38 Revised on:

## **Gardiner School District**

### **STUDENTS**

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#### Gambling

Students are not permitted to gamble for money or any other item while in school, on school property, in school vehicles, while on school-sponsored trips or when representing the school during activity or athletic functions. Any such activity 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: January 10, 2007

Revised on:



1 **Gardiner School District**

2  
3 **STUDENTS**

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4  
5 Student Health/Physical Screenings/Examinations

6  
7 The Board may arrange each year for health services to be provided to all students. Such  
8 services may include but not be limited to:

- 9  
10 1. Development of procedures at each building for isolation and temporary care of students  
11 who become ill during the school day;  
12  
13 2. Consulting services of a qualified specialist for staff, students, and parents;  
14  
15 3. Vision and hearing screening;  
16  
17 4. Scoliosis screening;  
18  
19 5. Immunization as provided by the Department of Public Health and Human Services.  
20

21 Parents/guardians will receive written notice of any screening result which indicates a condition  
22 that might interfere or tend to interfere with a student's progress.  
23

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

- 29  
30 1. Required as a condition of attendance.  
31  
32 2. Administered by the school and scheduled by the school in advance.  
33  
34 3. Not necessary to protect the immediate health and safety of the student or other students.  
35

36 Parents or eligible students will be given the opportunity to opt out of the above-described non-  
37 emergency, invasive physical examination or screening.  
38

39 As used in this policy, the term "invasive physical examination" means any medical examination  
40 involving exposure of private body parts or any act during such examination that includes  
41 incision, insertion, or injection into the body, but this does not include a hearing, vision, or  
42 scoliosis screening.  
43

44 Students who wish to participate in certain extracurricular activities may be required to submit to  
45 a physical examination to verify their ability to participate in the activity. Students participating  
46

3410

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 Powers and duties  
General Education Provisions Act, 20 U.S.C. 1232h(b)

Policy History:

Adopted on:

Revised on:

**Gardiner School District**

**STUDENTS**

3413

Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus. Pertussis immunization is not required for students who are seven (7) years or older. 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 pupil who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring pupil ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the pupil to the school district to which the pupil 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 polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, Haemophilus influenza type "b", and tetanus vaccine.

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

Legal Reference:	§ 20-3-324(20), MCA	Powers and duties
	§ 20-5-402 - 410, MCA	Health
	§ 20-5-403, MCA	Immunization required – release and acceptance of immunization records

Policy History:

Adopted on: July 1, 2005

Revised on: October 11, 2006

## STUDENTS

3415

Management of Sports Related Concussions

The Gardiner 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 sport athletic activities in the District will be identified by the administration.

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

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

Policy History:

Adopted on: 8/14/2013

Reviewed on:

Revised on:

STUDENTS

3415P

Management of Sports Related Concussions

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

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

B. *Training:* All coaches, athletic trainers, and officials, including volunteers shall undergo training in head injury and concussion management at least once each school year by one of the following means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing the MHSA concussion clinic found on the MHSA Sports Medicine page at [www.mhsa.org](http://www.mhsa.org); or by the district inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to facilitate the training requirements.

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

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

E. *Return to Play After Concussion or Head Injury:* In accordance with MHSA Return to Play Rules and Regulations **and Title 20, MCA** a student athlete who has been removed from play, practice, tryouts, training exercises, preparation for an athletic game, or sport camp may not return until the athlete is cleared by a licensed health care professional (Medical Doctor, Doctor of Osteopathic Medicine, Nurse Practitioner, or Physician's Assistant trained in evaluation for concussion). The health care provider may be a volunteer.

Policy History:

Adopted on: 8/14/2013

Reviewed on:

Revised on:

## Student-Athlete & Parent/Legal Custodian Concussion Statement 3415F

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 Medical Doctor, Doctor of Osteopathic Medicine, Nurse Practitioner, or Physician's Assistant trained in evaluation for concussion.

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:

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

\_\_\_\_\_  
Signature of Student-Athlete

\_\_\_\_\_  
Date

Signature of Parent/Legal 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

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

## LINKS TO OTHER RESOURCES

- CDC –Concussion in Sports
  - <http://www.cdc.gov/concussion/sports/index.html>
- National Federation of State High School Association/ Concussion in Sports - What You Need To Know
  - [www.nfhslearn.com](http://www.nfhslearn.com)
- Montana High School Association – Sports Medicine Page
  - <http://www.mhsa.org/SportsMedicine/SportsMed.htm>

## 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 Medical Doctor, Doctor of Osteopathic Medicine, Nurse Practitioner, or Physician's Assistant trained in evaluation for concussion 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.



# A Fact Sheet for PARENTS

## WHAT IS A CONCUSSION?

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

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

## WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

### Signs Observed by Parents or Guardians

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

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

### Symptoms Reported by Athlete

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

## HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?

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

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

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

**1. Seek medical attention right away.** A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.

**2. Keep your child out of play.** Concussions take time to heal. Don’t let your child return to play until a Medical Doctor, Doctor of Osteopathic Medicine, Nurse Practitioner, or Physician’s Assistant trained in evaluation for concussion 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.

1 **Gardiner School District**

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3 **STUDENTS**

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4  
5 Administering Medicines to Students

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

11  
12 A building principal or other administrator may authorize, in writing, any school employee:

13  
14 To assist in self-administration of any drug that may lawfully be sold over the counter  
15 without a prescription to a student in compliance with the written instructions and with  
16 the written consent of a student’s parent or guardian; and

17  
18 To assist in self-administration of a prescription drug to a student in compliance with  
19 written instructions of a medical practitioner and with the written consent of a student’s  
20 parent or guardian.

21  
22 Except in an emergency situation, only a qualified healthcare professional may administer a drug  
23 or a prescription drug to a student under this policy. Diagnosis and treatment of illness and the  
24 prescribing of drugs are never the responsibility of a school employee and should not be  
25 practiced by any school personnel.

26  
27 Administering Medication

28  
29 The Board will permit administration of medication to students in schools in its jurisdiction. A  
30 school nurse (who has successfully completed specific training in administration of medication),  
31 pursuant to written authorization of a physician or dentist and that of a parent, an individual who  
32 has executed a caretaker relative educational authorization affidavit, or guardian, may administer  
33 medication to any student in the school or may delegate this task pursuant to Montana law.

34  
35 Emergency Administration of Medication

36  
37 In case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may  
38 administer emergency oral or injectable medication to any student in need thereof on school  
39 grounds, in a school building, or at a school function, according to a standing order of a chief  
40 medical advisor or a student’s private physician.

41  
42 In the absence of a school nurse, an administrator or designated staff member exempt from the  
43 nurse license requirement under § 37-8-103(1)(c), MCA, who has completed training in  
44 administration of medication, may give emergency medication to students orally or by injection.

45  
46 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 not agree to administer glucagons pursuant to § 20-5-412, MCA. 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 has filed the necessary designation and acceptance documentation with the school district as required by 20-5-412(2) and (3) the employee has filed the necessary written documentation of training with the school district as required by 20-5-412(4).~~

#### Handling and Storage of Medications

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

- 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

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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.

#### 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: July 1, 2005

Reviewed on: November 14, 2007

Revised on: December 12, 2007

1 **Gardiner School District**

2  
3 **STUDENTS**

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page 1 of 2

4  
5 Communicable Diseases

6  
7 *Note: For purposes of this policy, the term “communicable disease” refers to the diseases*  
8 *identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.*  
9

10 In all proceedings related to this policy, the District will respect a student’s right to privacy.  
11 Although the District is required to provide educational services to all school-age children who  
12 reside within its boundaries, it may deny attendance at school to any child diagnosed as having a  
13 communicable disease that could make a child’s attendance harmful to the welfare of other  
14 students. The District also may deny attendance to a child with suppressed immunity in order to  
15 protect the welfare of that child when others in a school have an infectious disease, which,  
16 although not normally life threatening, could be life threatening to a child with suppressed  
17 immunity.  
18

19 The Board recognizes that communicable diseases that may afflict students range from common  
20 childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as  
21 human immunodeficiency virus (HIV) infection. The District will rely on advice of the public  
22 health and medical communities in assessing the risk of transmission of various communicable  
23 diseases to determine how best to protect the health of both students and staff.  
24

25 The District will manage common communicable diseases in accordance with Montana  
26 Department of Health guidelines and communicable diseases control rules. The District may  
27 temporarily exclude from school attendance a student who exhibits symptoms of a  
28 communicable disease that is readily transmitted in a school setting.  
29

30 Students who complain of illness at school may be referred to a school nurse or other responsible  
31 person designated by the Board and may be sent home as soon as a parent or person designated  
32 on a student’s emergency medical authorization form has been notified. The District reserves  
33 the right to require a statement from a student’s primary care provider authorizing a student’s  
34 return to school.  
35

36 When information is received by a staff member or a volunteer that a student is afflicted with a  
37 serious communicable disease, a staff member or volunteer will promptly notify a school nurse  
38 or other responsible person designated by the Board to determine appropriate measures to be  
39 taken to protect student and staff health and safety. A school nurse or other responsible person  
40 designated by the Board, after consultation with and on advice of public health officials, will  
41 determine which additional staff members, if any, have need to know of the affected student’s  
42 condition.  
43

44 Only those persons with direct responsibility for the care of a student or for determining  
45 appropriate educational accommodation will be informed of the specific nature of a condition, if  
46

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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:

Revised on:

1     **Gardiner School District**

2  
3     **STUDENTS**

3422

4  
5     Suicide

6  
7     The District may provide the following programs in order to prevent adolescent suicide by:  
8     offering and providing help and assistance including early identification; support and/or  
9     counseling by school support personnel for low-risk students; referral to appropriate sources  
10    outside the school for high and moderate-risk students; attendance to the rights of the student and  
11    his/her family; and aftercare support by the school for faculty, staff, and students after a sudden  
12    death has occurred.

13  
14  
15  
16    Policy History:

17    Adopted on:

18    Revised on:



1 **Gardiner School District**

2  
3 **STUDENTS**

3431

4  
5 Emergency Treatment

6  
7 The Board recognizes that schools are responsible for providing first aid or emergency treatment  
8 to a student in case of sudden illness or injury; however, further medical attention is the  
9 responsibility of a parent or guardian.

10  
11 The District requires that every parent or guardian provide a telephone number where a parent or  
12 designee of a parent may be reached in case of an emergency.

13  
14 When a student is injured, staff will provide immediate care and attention until relieved by a  
15 superior, a nurse, or a doctor. The District will employ its normal procedures to address medical  
16 emergencies without regard to the existence of a do not resuscitate (DNR) request, as such DNR  
17 requests do not apply to school-based programming or eventualities attendant thereto. A  
18 principal or designated staff member will immediately call a parent or parental designee so that  
19 the parent may arrange for care or treatment of an injured student.

20  
21 When a student develops symptoms of illness while at school, a responsible school official will  
22 do the following:

- 23  
24 ● Immediately isolate the student from other children to a room or area segregated for that  
25 purpose;  
26  
27 ● Inform a parent or guardian as soon as possible about the illness and request a parent or  
28 guardian to pick up the child; and  
29  
30 ● Report each case of suspected communicable disease the same day by telephone to a  
31 local health authority or as soon as possible thereafter if a health authority cannot be  
32 reached the same day.  
33  
34 ● Children with a temperature of one hundred (100) or greater will be sent home.

35  
36 When a parent or guardian cannot be reached, and it is the judgment of a principal or other  
37 person in charge that immediate medical attention is required, an injured student may be taken  
38 directly to a hospital and treated by a physician on call. Once located, a parent or a guardian is  
39 responsible for continuing treatment or for making other arrangements.

40  
41 Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

42  
43 Policy History:

44 Adopted on:

45 Revised on:

**This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs.  
Please Print or Type.**

Date of Accident: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ AM ☐ PM      Supervising Employee \_\_\_\_\_

Parent's Name (if student) \_\_\_\_\_ Work Phone Number (\_\_\_\_) \_\_\_\_\_

<i>Nature of Injury</i>		<i>Place of Accident</i>		<i>Body Part Injured</i>		
<input type="checkbox"/> Scratch	<input type="checkbox"/> Concussion	<input type="checkbox"/> Classroom	<input type="checkbox"/> Gymnasium	<input type="checkbox"/> Ankle	<input type="checkbox"/> Foot	<input type="checkbox"/> Leg
<input type="checkbox"/> Fracture	<input type="checkbox"/> Head Injury	<input type="checkbox"/> Hallway	<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Arm	<input type="checkbox"/> Face	<input type="checkbox"/> Nose
<input type="checkbox"/> Bruise	<input type="checkbox"/> Sprain/Strain	<input type="checkbox"/> Bathroom	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Back	<input type="checkbox"/> Finger	<input type="checkbox"/> Teeth
<input type="checkbox"/> Burn	<input type="checkbox"/> Cut/Puncture	<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Stairs	<input type="checkbox"/> Neck	<input type="checkbox"/> Hand	<input type="checkbox"/> Wrist
<input type="checkbox"/> Dislocation	<input type="checkbox"/> Bite	<input type="checkbox"/> Playground	<input type="checkbox"/> Athletic Field	<input type="checkbox"/> Eye	<input type="checkbox"/> Knee	<input type="checkbox"/> Shoulder
<input type="checkbox"/> Other _____		<input type="checkbox"/> Other _____		<input type="checkbox"/> Other _____		

*Describe accident and injury in detail: (Attach additional description as necessary.)* \_\_\_\_\_

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.)*

Witnesses (Name, Address & Phone) \_\_\_\_\_

Date \_\_\_\_\_

1     **Gardiner School District**

2  
3     **STUDENTS**

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4  
5     Removal of Student During School Day

6  
7     The Board recognizes its responsibility for the proper care of students during a school day. In  
8     accordance with District procedures, only a duly authorized person may remove a student from  
9     school grounds, any school building, or school function during a school day. A person seeking  
10    to remove a student from school must present evidence satisfactory to a principal of having  
11    proper authority to remove a student. A teacher should not excuse a student from class to confer  
12    with anyone unless a request is approved by a principal. The Superintendent will establish  
13    procedures for removal of a student during a school day.

14  
15  
16  
17    Policy History:

18    Adopted on:

19    Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

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4  
5 Removal of Student During School Day

6  
7 Schools must exercise a high order of responsibility for the care of students while in school. The  
8 removal of a student during the school day may be authorized in accordance with the following  
9 procedures:

- 10  
11 1. Law enforcement officers, upon proper identification, may remove a student from school  
12 as provided in Policies 4410 and 4411.  
13  
14 2. Any other agencies must have a written administrative or court order directing the  
15 District to give custody to them. However, employees of the Department of Public  
16 Health and Human Services may take custody of a student under provisions of '   
17 41-3-301, MCA, without a court order. Proper identification is required before the  
18 student shall be released.  
19  
20 3. A student shall be released to the custodial parent. When in doubt as to custodial rights,  
21 school enrollment records must be relied upon, as the parents (or guardians) have the  
22 burden of furnishing schools with accurate, up-to-date information.  
23  
24 4. The school should always check with the custodial parent before releasing the student to  
25 a non-custodial parent.  
26  
27 5. Prior written authorization from the custodial parent or guardian is required before  
28 releasing a student into someone else=s custody, unless an emergency situation justifies a  
29 waiver.  
30  
31 6. Police should be called if a visitor becomes disruptive or abusive.  
32  
33  
34

35 Cross Reference: 4410 Relations with the Law Enforcement and Child Protective  
36 Agencies  
37 4411 Investigations and Arrests by Police  
38

39 Procedure History:

40 Promulgated on:

41 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3510

4  
5 School-Sponsored Student Activities

6  
7 1. Student Organizations:

- 8  
9 a. All student organizations must be approved by the administration. Secret or  
10 clandestine organizations or groups will not be permitted.  
11 b. Bylaws and rules of student organizations must not be contrary to Board policy or  
12 to administrative rules and regulations.  
13 c. Procedures in student organizations must follow generally accepted democratic  
14 practices in the acceptance of members and nomination and election of officers.  
15

16 2. Social Events

- 17  
18 a. Social events must have prior approval of the administration.  
19 b. Social events must be held in school facilities unless approved by the Board.  
20 c. Social events must be chaperoned at all times.  
21 d. Attendance at high school social events and dances shall be limited to high school  
22 students, and middle school social events shall be limited to middle school  
23 students, unless prior permission is received from the principal.  
24

25 3. Extracurricular Activities

- 26  
27 a. Academic and behavior eligibility rules are established by MHSA rules and  
28 District policy.  
29 b. Any student convicted of a criminal offense may, at the discretion of school  
30 officials, become ineligible for such a period of time as the school officials may  
31 decide.  
32 c. In establishing an interscholastic program, the Board directs the administration to:  
33 i. Open all sports to all students enrolled in the District, with an equal  
34 opportunity for participation.  
35 ii. Recommend sports activities based on interest inventories completed by  
36 the students.  
37  
38  
39

40 Policy History:

41 Adopted on:

42 Revised on:

2  
3 **STUDENTS**

3520

4  
5 Student Fees, Fines, and Charges

6  
7 Within the concept of free public education, the District will provide an educational program for  
8 students as free of costs as possible.  
9

10 The Board may charge a student a reasonable fee for any course or activity not reasonably  
11 related to a recognized academic and educational goal of the District or for any course or activity  
12 taking place outside normal school functions. The Board may waive fees in cases of financial  
13 hardship.  
14

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

21 The District holds a student responsible for the cost of replacing materials or property that are  
22 lost or damaged because of negligence. A building administrator will notify a student and parent  
23 regarding the nature of violation or damage, how restitution may be made, and how an appeal  
24 may be instituted. The District may withhold a student's grades or diploma until restitution is  
25 made. A student or parent may appeal the imposition of a charge for damages to the  
26 Superintendent and to the Board.  
27  
28  
29

30 Legal reference:      § 20-5-201, MCA      Duties and sanctions  
31                              § 20-7-601, MCA      Free textbook provisions  
32                              § 20-9-214, MCA      Fees  
33

34 Policy History:

35 Adopted on:

36 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3530

4  
5 Student Fund-Raising Activities

6  
7 The Board acknowledges that the solicitations of funds from students, staff, and citizens must be  
8 limited since students are a captive audience and since solicitation can disrupt the program of the  
9 schools. Solicitation and collection of money by students for any purpose, including the  
10 collection of money by students in exchange for tickets, papers, magazine subscriptions, or for  
11 any other goods or services for the benefit of an approved school organization, may be permitted  
12 by the Superintendent, providing that the instructional program is not adversely affected.

13  
14 The Superintendent will establish rules and regulations for solicitation of funds by approved  
15 school organizations, official school-parent groups, and by outside organizations. The principal  
16 will distribute these rules and regulations to each student organization granted permission to  
17 solicit funds.

18  
19  
20  
21 Policy History:

22 Adopted on:

23 Revised on:

1 **Gardiner School District**

2  
3 **STUDENTS**

3535

4  
5 Distribution of Fund Drive Literature Through Students

6  
7 Although many community drives are organized for raising funds for worthy nonprofit causes, it  
8 is the policy of the District to refrain from having the students, as student body members, used  
9 for such collection or dissemination purposes.

10  
11 Exceptions to this policy will be considered, when recognized student or school-affiliated  
12 organizations of the District request permission to participate in such activity.

13  
14  
15  
16 Cross Reference: 4320 Contact with students

17  
18 Policy History:

19 Adopted on:

20 Revised on:



1 **Gardiner School District**

2  
3 **STUDENTS**

3600

4  
5 Student Records

6  
7 School student records are confidential, and information from them will not be released other  
8 than as provided by law. State and federal laws grant students and parents certain rights,  
9 including the right to inspect, copy, and challenge school records.

10  
11 The District will ensure information contained in student records is current, accurate, clear, and  
12 relevant. All information maintained concerning a student receiving special education services  
13 will be directly related to the provision of services to that child. The District may release  
14 directory information as permitted by law, but parents will have the right to object to release of  
15 information regarding their child. Military recruiters and institutions of higher education may  
16 request and receive the names, addresses, and telephone numbers of all high school students,  
17 unless the parent(s) notifies the school not to release this information.

18  
19 The Superintendent will implement this policy and state and federal law with administrative  
20 procedures. The Superintendent or designee will inform staff members of this policy and inform  
21 students and their parents of it, as well as of their rights regarding student school records.

22  
23  
24  
25 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99  
26 § 20-5-201, MCA Duties and sanctions  
27 § 40-4-225, MCA Access to records by parent  
28 10.55.909, ARM Student Records  
29 No Child Left Behind Act of 2001, P.L. 107-334  
30

31 Policy History:

32 Adopted on:

33 Revised on:

# Adopted Policy

## **Gardiner School District**

### **STUDENTS**

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#### Student Records

#### Maintenance of School Student Records

The District maintains two (2) sets of school records for each student – a permanent record and a cumulative record.

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-406, MCA)
- Attendance record
- Record of any disciplinary action taken against the student, which is educationally related

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

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:

# Adopted Policy

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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. Access to the records will be granted within fifteen (15) days of the District's receipt of such request.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including student-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers ), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third 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

# Adopted Policy

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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 will grant access to or release information from a student's records pursuant to a court order, provided that the parent will be given prompt written notice, 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.
6. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
7. 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.
8. 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.
9. 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.

# Adopted Policy

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10. 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.
11. 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.
12. 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).
13. 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.
14. 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

# Adopted Policy

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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 parents may challenge the accuracy, relevancy, or propriety of the records, except: (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;
- The right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

# Adopted Policy

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Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g **(2011)**; 34  
C.F.R. 99 **(2011)**  
§ 20-5-201, MCA Duties and sanctions  
§ 40-4-225, MCA Access to records by parent  
§ 41-5-215, MCA Youth court and department records – notification  
of school  
10.55.909, ARM Student records

## Procedure History:

Promulgated on:

Reviewed on: September 12, 2012

Revised on: October 10, 2012

1 **Gardiner School District**

2  
3 **STUDENTS**

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page 1 of 4

4  
5 Student Records

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

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

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

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

21 The cumulative record may include:

- 22  
23 Intelligence and aptitude scores  
24 Psychological reports  
25 Participation in extracurricular activities  
26 Honors and awards  
27 Teacher anecdotal records  
28 Verified reports or information from non-educational persons  
29 Verified information of clear relevance to the student's education  
30 Information pertaining to release of this record  
31 Disciplinary information  
32

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

- 36  
37 1. **The right to inspect and copy the student's education records, within a reasonable**  
38 **time from the day the District receives a request for access.**

39  
40 "Eligible" students, who are eighteen (18) years of age or older, have the right to inspect  
41 and copy their permanent record. Parents/guardians or "eligible" students should submit  
42 to the school principal (or appropriate school official) a written request identifying the  
43 record(s) they wish to inspect. The principal will make, within forty-five (45) days,  
44 arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the  
45 time and place the records may be inspected. The District charges a nominal fee for  
46 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 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 students are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the decision.*

*Any parent(s)/guardian(s) or eligible 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

**Policy History:**

Adopted on:

Reviewed on: 11/14/2012

Revised on: 12/12/2012

## Student Directory Information Notification

*Please sign and return this form to the school within ten (10) days of the receipt of this form **ONLY** if you do not want directory information about your child disclosed to third parties in accordance with the Family Educational Rights and Privacy Act (FERPA). If we receive no response by that date, we will disclose all student directory information at our discretion and/or in compliance with law.*

\_\_\_\_\_  
*Date*

Dear Parent/Eligible Student:

This document informs you of your right to direct the District to withhold the release of student directory information for \_\_\_\_\_.

*Student's Name*

Following is a list of items this District considers student **directory information**.

<ul style="list-style-type: none"> <li>-Student's name</li> <li>-Address</li> <li>-Telephone listing</li> <li>-Electronic mail address</li> <li>-Photograph (including electronic version)</li> <li>-Date and place of birth</li> <li>-Major field of study</li> <li>-Dates of attendance</li> <li>-Grade level</li> </ul>	<ul style="list-style-type: none"> <li>-Enrollment status (e.g., undergraduate or graduate; full-time or part-time)</li> <li>-Participation in officially recognized activities and sports</li> <li>-Weight and height of members of athletic teams</li> <li>-Degrees</li> <li>-Honors and awards received</li> <li>-Most recent educational agency or institution attended</li> </ul>
--	--

**If you do NOT want directory information provided to the following, please check the appropriate box.**

☐ Institutions of Higher Education, ☐ Potential Employers, ☐ Armed Forces Recruiters, ☐ Other

NOTE: If a student's name, grade level, or photograph is to be withheld, the student will not be included in the school's yearbook, program events, or other such publications.

\_\_\_\_\_  
*Parent/Eligible Student's Signature*

\_\_\_\_\_  
*Date*

**Gardiner School District**

**STUDENTS**

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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, 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
	3606F	Records Certification

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

Adopted on:

Revised on:

1 **Gardiner School District**

**R**

2  
3 **STUDENTS**

3608

4  
5 Receipt of Confidential Records

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

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

- 15  
16 • Superintendent  
17 • Principal  
18 • Counselor

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

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

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

28  
29 Policy History:

30 Adopted on:

31 Revised on:

2  
3 **STUDENTS**

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

6  
7 General

8  
9 The District makes Internet access and interconnected computer systems available to District  
10 students and faculty. The District provides electronic networks, including access to the Internet,  
11 as part its instructional program and to promote educational excellence by facilitating resource  
12 sharing, innovation, and communication.

13  
14 The District expects all students to take responsibility for appropriate and lawful use of this  
15 access, including good behavior on-line. The District may withdraw student access to its  
16 network and to the Internet when any misuse occurs. District teachers and other staff will make  
17 reasonable efforts to supervise use of network and Internet access; however, student cooperation  
18 is vital in exercising and promoting responsible use of this access.

19  
20 Curriculum

21  
22 Use of District electronic networks will be consistent with the curriculum adopted by the  
23 District, as well as with varied instructional needs, learning styles, abilities, and developmental  
24 levels of students and will comply with selection criteria for instructional materials and library  
25 materials. Staff members may use the Internet throughout the curriculum consistent with the  
26 District's educational goals.

27  
28 Acceptable Uses

- 29  
30 1. Educational Purposes Only. All use of the District's electronic network must be: (1) in  
31 support of education and/or research, and in furtherance of the District's stated  
32 educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not  
33 a right. Students and staff members have no expectation of privacy in any materials that  
34 are stored, transmitted, or received via the District's electronic network or District  
35 computers. The District reserves the right to monitor, inspect, copy, review, and store, at  
36 any time and without prior notice, any and all usage of the computer network and Internet  
37 access and any and all information transmitted or received in connection with such usage.  
38 2. Unacceptable Uses of Network. The following are considered unacceptable uses and  
39 constitute a violation of this policy:  
40  
41 A. Uses that violate the law or encourage others to violate the law, including, but not  
42 limited to, transmitting offensive or harassing messages; offering for sale or use  
43 any substance the possession or use of which is prohibited by the District's  
44 student discipline policy; viewing, transmitting, or downloading pornographic  
45 materials or materials that encourage others to violate the law; intruding into the

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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 user violates this policy, the District will deny a student's access or will withdraw access and may subject a 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:

Revised on:



# Adopted Policy

**Gardiner School District**

**R**

**STUDENTS**

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*NOTE: This has been a required policy under federal law since 2001, which MTSBA has updated recently due to a change in federal law. Under the Broadband Data Services Improvement Act/Protecting Children in the 21<sup>st</sup> Century Act of 2008 (P.L. 110-385), school districts must now, as part of their Internet Safety Policy (which is required in order to receive E-Rate discounts), educate minors about appropriate online behavior, including:*

- *Interacting with other individuals on social networking sites and in chat rooms; and*
- *Cyber bullying awareness and response.*

*NOTE: We have revised our template regulation by adding the red text below (see section on Internet Safety) to comply with new legal requirements for the E-Rate discounts.*

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 de-virused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain;

# Adopted Policy

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- 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

# Adopted Policy

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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.

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- 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.

## [OPTIONAL]

### 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.

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- 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 cyber bullying 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 21<sup>st</sup> 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:

Reviewed on: September 12, 2012

Revised: October 10, 2012

## 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 the Gardiner School District=s 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.

1 **Gardiner School District**

2  
3 **STUDENTS**

3630

4  
5 Student Cell Phone Policy

6  
7 Student possession and use of cellular phones, pagers, and other electronic signaling devices on  
8 school grounds, at school-sponsored activities, and while under the supervision and control of  
9 District employees, are privileges, which will be permitted only under the circumstances  
10 described herein. At no time will any student operate a cell phone or other electronic device with  
11 video capabilities in a locker room, bathroom, or other location where such operation may  
12 violate the privacy right of another person.

13  
14 Students may use cellular phones, pagers, and other electronic signaling devices on campus  
15 before school begins and after school ends. ***These devices must be in the student's locker and***  
16 ***turned off during the instructional day.*** Unauthorized use of such devices disrupts the  
17 instructional program and distracts from the learning environment. Therefore unauthorized use  
18 is grounds for confiscation of the device by school officials, including classroom teachers.  
19 Confiscated devices will be returned to the parent or guardian. Repeated unauthorized use of  
20 such devices will result in disciplinary action.

21  
22  
23  
24 Policy History:

25 Adopted on: July 1, 2005

26 Revised on: July 8, 2009

**Gardiner School District**

**COMMUNITY RELATIONS**

4000

Goals

The Board, through the leadership of the Superintendent and with the assistance of the total staff, will seek to enhance the District's community relations by striving to achieve the following goals:

1. To encourage and enhance communications, understanding, trust, and mutual support between the District and the people it serves;
2. To increase both the quality and quantity of public participation in school affairs, activities, and programs;
3. To strengthen and improve relations and interactions among staff, trustees, citizens, parents, and students;
4. To promote understanding and cooperation between the schools and community groups.

Legal Reference :      10.55.701, ARM      Board of Trustees  
                                 10.55.801, ARM      School Climate

Policy History:

Adopted on:

Revised on:



2  
3 **COMMUNITY RELATIONS**

4120

4  
5 Public Information Program/Nonpartisan Political Activity

6  
7 The District will strive to maintain effective two-way communication channels with the public.  
8 Community opinion may be solicited through parent-teacher conferences, open houses, and other  
9 such events or activities which may bring staff and citizens together.

10  
11 The Board is a nonpartisan public body and, as such, will not endorse political candidates.  
12 Neither staff nor students will be asked to disseminate candidates= campaign materials from the  
13 schools, nor will any of the District=s facilities or communications services be used to  
14 disseminate such materials. The Board may take positions of support or opposition on ballot  
15 issues affecting schools.

16  
17 The Superintendent has authority to judge whether information will be considered public or  
18 confidential. Information considered public will be provided or available to the press via news  
19 releases, interviews, or other appropriate methods. Confidential information which might  
20 infringe on privacy rights of individuals will not be made public.

21  
22  
23  
24 Legal Reference: Art. II, Sec. 8, Montana Constitution - Right of participation  
25 Art. II, Sec. 9, Montana Constitution - Right to know

26  
27 Policy History:

28 Adopted on:

29 Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4120P

4  
5 Public Information Program/Nonpartisan Political Activity

6  
7 Principals are encouraged to initiate media coverage of their school programs and activities. The  
8 following guidelines relate to the public information program:

- 9
- 10 1. Media representatives will be supplied factual public information. The appropriate  
11 administrator will judge whether information is public or confidential. In cases where it  
12 is not clear, the Superintendent will decide.  
13
  - 14 2. Any District photograph which might invade an individual's right of privacy may not be  
15 released.  
16
  - 17 3. Media representatives may attend school functions to which the public is invited.  
18
  - 19 4. During regular school hours, all media representatives must report to the building office  
20 for identification and authorization before going to any part of the building or grounds or  
21 contacting any individual.  
22
  - 23 5. Media representatives must have authorization from the building principal to cover  
24 activities to which the public is not invited. The media representative will not be  
25 excluded without justification.  
26
  - 27 6. The Board Chair will represent the Board, concerning media communications.  
28  
29  
30

31 Procedure History:

32 Promulgated on:

33 Revised on:

**Gardiner School District**

**COMMUNITY RELATIONS**

4210

Page 1 of 2

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. <sup>1</sup>
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. <sup>2</sup>

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

---

<sup>1</sup> An alternative follows:

An agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.

<sup>2</sup> 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. <sup>3</sup> 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:

Adopted on: July 1, 2005

Reviewed on: March 12, 2008

Revised on: April 9, 2008

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<sup>3</sup> 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.

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4220

4  
5 Citizen Study/Advisory Committees

6  
7 The intent of this policy is to provide a method for the Board to gather public input to be used in  
8 the decision-making process. The Board, or the Superintendent with Board approval, may  
9 appoint a citizens= committee as is necessary to establish interaction with the community about  
10 selected issues.

11  
12 The committee will study specific school matters and submit its findings or recommendations to  
13 the Superintendent for presentation to the Board. The committee will be dissolved following the  
14 presentation of its findings/recommendations.

15  
16 Meetings of an advisory committee are to be open to the public and media. In circumstances  
17 where a person=s right to privacy may be violated, the committee chair will determine if the  
18 right of individual privacy exceeds the public=s right to know and, if so, will close the meeting.  
19 The committee chair may seek the advice of the Board Chair or the Superintendent.

20  
21 Appointed committees serve in an advisory capacity only, and the Board reserves all decision-  
22 making authority.

23  
24  
25  
26 Policy History:

27 Adopted on:

28 Revised on:

**COMMUNITY RELATIONS**

4310

Public Complaints and Suggestions

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District administrator. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from any decision of the Board.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4313

4  
5 Disruption of School Operations

6  
7 The staff member in charge will immediately notify local law enforcement authorities, if any  
8 person disrupts or obstructs any school program, activity, or meeting or threatens to do so, or  
9 commits, threatens to imminently commit, or incites another to commit any act that will disturb  
10 or interfere with or obstruct any lawful task, function, process, or procedure of any student,  
11 official, employee, or invitee of the District.  
12

13 The staff member in charge will make a written report detailing the incident no later than twelve  
14 (12) hours after the incident occurs. A copy of the report will be given to the staff member=s  
15 immediate supervisor.  
16  
17  
18

19 Cross Reference: 4301 Visitors to Schools  
20

21 Legal Reference: ' 20-1-206, MCA Disturbance of school - penalty  
22 ' 20-5-201, MCA Duties and sanctions  
23 ' 45-8-101, MCA Disorderly conduct  
24

25 Policy History:

26 Adopted on:

27 Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4315

4  
5 Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events

6  
7 Any person, including an adult, who behaves in an unsportsmanlike manner during an athletic or  
8 co-curricular event may be ejected from the event and/or denied admission to school events for  
9 up to a year after a Board hearing. Examples of unsportsmanlike conduct include, but are not  
10 limited to:

- 11  
12 ! Using vulgar or obscene language or gestures;  
13 ! Possessing or being under the influence of any alcoholic beverage or illegal substance;  
14 ! Possessing a weapon;  
15 ! Fighting or otherwise striking or threatening another person;  
16 ! Failing to obey instructions of a security officer or District employee; and  
17 ! Engaging in any illegal or disruptive activity.

18  
19 The Superintendent may seek to deny future admission to any person by delivering or mailing a  
20 notice by certified mail with return receipt requested, containing:

- 21  
22 1. Date, time, and place of a Board hearing;  
23  
24 2. Description of the unsportsmanlike conduct; and  
25  
26 3. Proposed time period admission to school events will be denied.  
27

28  
29  
30 Legal Reference: § 20-1-206, MCA Disturbance of school – penalty  
31 § 20-4-303, MCA Abuse of teachers  
32 § 45-8-101, MCA Disorderly conduct  
33

34 Policy History

35 Adopted on:

36 Revised on:



2  
3 **COMMUNITY RELATIONS**

4316

4  
5 Accommodating Individuals with Disabilities

6  
7 Individuals with disabilities will be provided opportunity to participate in all school-sponsored  
8 services, programs, or activities on an basis equal to those without disabilities and will not be  
9 subject to illegal discrimination.

10  
11 The District may provide auxiliary aids and services when necessary to afford individuals with  
12 disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or  
13 activity.

14  
15 The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and,  
16 in that capacity, is directed to:

- 17  
18 1. Oversee District compliance efforts, recommend necessary modifications to the Board,  
19 and maintain the District's final Title II self-evaluation document and keep it available  
20 for public inspection for at least three (3) years after its completion date (*for districts*  
21 *having fifty (50) or more full- or part-time employees*).  
22  
23 2. Institute plans to make information regarding Title II protection available to any  
24 interested party.  
25

26 An individual with a disability should notify the Superintendent or building principal if they  
27 have a disability which will require special assistance or services and what services are required.  
28 This notification should occur as far as possible before the school-sponsored function, program,  
29 or meeting.  
30

31 Individuals with disabilities may allege a violation of this policy or of federal law by reporting it  
32 to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Uniform  
33 Complaint Procedure.  
34  
35  
36

37 Cross Reference: 1700 Uniform Complaint Procedure  
38

39 Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131,  
40 et seq.; 28 C.F.R. Part 35.  
41

42 Policy History:

43 Adopted on:

44 Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4320

4  
5 Contact with Students

6  
7 Students are entrusted to the schools for educational purposes. Although educational purposes  
8 encompass a broad range of experiences, school officials must not assume license to allow  
9 unapproved contact with students by persons not employed by the District for educational  
10 purposes. Teachers may arrange for guest speakers on appropriate topics relative to the  
11 curriculum. Principals may approve school assemblies on specific educational topics of interest  
12 and relevance to the school program. The District normally does not permit other types of  
13 contact by non-school personnel.

14  
15 The District will not allow access to the schools by outside organizations desiring to use the  
16 captive audience in a school for information, sales material, or special interest purposes.  
17  
18  
19

20 Policy History:

21 Adopted on:

22 Revised on:

1   **Gardiner School District**

2  
3   **COMMUNITY RELATIONS**

4321

4  
5   Distribution of Fund Drive Literature Through Students

6  
7   It is the policy of this District to refrain from having the students, as student body members, used  
8   for collection or dissemination purposes.

9  
10   Exceptions to this policy will be considered when recognized or student or school-affiliated  
11   organizations of the District request permission to participate in such activity.

12  
13  
14  
15   Policy History:

16   Adopted on:

17   Revised on:

## COMMUNITY RELATIONS

4330

Community Use of School Facilities

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

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

Administration 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 Superintendent's 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:

Revised on:

**FACILITIES USE AGREEMENT****Gardiner School District**

Organization or Individual Requesting Facility Use:

Facility Requested:

Date and Hours of Requested Use:

Purpose of Use:

**Premises and Conditions**

1. Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:

- a. That no alcoholic beverages, tobacco 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.
- b. No illegal gambling or lotteries will be permitted.
- c. 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.
- d. 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 agrees to pay the District, as rent for the premises and as payment for special services (if any) provided by the District, the sum of \$\_\_\_\_\_, and this shall be due \_\_\_\_\_ days in advance. The requesting organization or individual shall be responsible for the actual cost of repair or replacement, including costs, disbursements, and expenses, resulting while it has use of the premises.

**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 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

1 liability insurance in an amount not less than One Million Dollars (\$1,000,000) for injuries to or  
2 death of any person or damage to or loss of property arising out of or in any way resulting from  
3 the described use of the facility.

4  
5 **Non-Discrimination**  
6

7 The requesting organization or individual agrees to abide non-discrimination clauses as  
8 contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

9  
10 **District's Rights**  
11

12 The District reserves the right to cancel this Agreement, when it is determined by the District  
13 that the facilities are needed for school purposes.

14  
15 DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

16  
17  
18 **Gardiner School District:**

**Requesting Organization or Individual:**

19  
20  
21  
22 By \_\_\_\_\_

By \_\_\_\_\_

23  
24 Address \_\_\_\_\_

25  
26 Phone \_\_\_\_\_  
27

28  
29 Additional Obligations  
30

31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4330P  
page 1 of 2

5 Use of School Facilities

6  
7 Time Limitations

8  
9 It is necessary that use of any school area be limited to short periods of time. Any intended use  
10 of more than two (2) days at any time will be subject to special consideration by the Board.

11  
12 Recreational Areas

13  
14 Recreational areas are available for approved organized groups.

15  
16 Arrangements

17  
18 Arrangements for use of facilities must be made through proper channels as directed by the  
19 Clerk=s office.

20  
21 Supervision

22  
23 All activities, including practices and rehearsals, must be adequately supervised at all times.  
24 Children and adults are to confine themselves to the rented area and not access other areas of the  
25 building.

26  
27 If police supervision is anticipated or advisable for the activity planned, arrangements for such  
28 protection must be made by the party(ies) requesting use of facilities.

29  
30 District Personnel

31  
32 The District will provide personnel for proper operation and maintenance of any facilities used,  
33 including stage lighting. A charge established by the Board will be made for services of such  
34 personnel.

35  
36 Adherence to Rules, Times, Etc.

37  
38 Stipulations made by the building supervisor regarding closing of buildings, removal of  
39 decorations or displays, use of halls, restrooms, etc., must be carefully followed.

40  
41 Use or Loan of Special Equipment

42  
43 If special or extra equipment is needed, request for such equipment must be made in advance  
44 through the Superintendent or his/her designee. Such equipment must be used within school  
45 property. Extra compensation must be paid for employees to operate or supervise special or  
46 extra

equipment or transfer it from another building.

### Fees

All payments will be made to the business office. Fees will be charged according to the following schedule:

## **[LIST FACILITIES AND CHARGES]**

### Renters

General District liability insurance coverage is included in the rental fee.

### Free of Charge

Any group or individual who qualifies to use District facilities free of charge must provide written proof of adequate liability insurance to hold the District harmless in case of accident. Written proof must be on file in the Clerk=s office prior to use of the facility.

### Use of School Property

#### **Spectator Use of School Facilities by Groups and Individuals**

The Board recognizes the importance of community use of facilities/premises by groups and individuals. Entering District buildings/premises as a spectator is a privilege. Groups or individuals entering District buildings or premises will adhere to the following conditions or be subject to expulsion from the building/premises. Persons entering or remaining on District premises in violation of these conditions may be charged with criminal trespass.

**CONDITIONS:** There will be NO dangerous drugs or alcoholic beverages, as defined by state law, used or sold in or about school buildings and premises, nor will disorderly conduct or gambling, as defined by state law, be permitted. In the case of OUTDOOR ATHLETIC FIELDS AND GENERAL PREMISES such as parking lots, individuals walking and those entering via vehicles will not transport the above items for sale or use in or on District property.

### Motorized Equipment Prohibited

Use of motorized equipment such as go-carts, mini-bikes, motorcycles, snowmobiles, etc., is strictly prohibited on school property except on established roads leading to and from District buildings.

### Procedure History:

Promulgated on:

Revised on:



1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4331

4  
5 Use of School Property for Posting Notices

6  
7 Non-school-related organizations may request permission of the building principal to display  
8 posters in the area reserved for community posters or to have flyers distributed to students.

9  
10 Posters and/or flyers must be student oriented and have the sponsoring organization's name  
11 prominently displayed. The District will not permit the posting or distribution of any material  
12 that would:

- 13  
14 A. Disrupt the educational process;  
15  
16 B. Violate the rights of others;  
17  
18 C. Invade the privacy of others;  
19  
20 D. Infringe on a copyright;  
21  
22 E. Be obscene, vulgar, or indecent; or  
23  
24 F. Promote the use of drugs, alcohol, tobacco, or certain products that create community  
25 concerns.

26  
27 No commercial publication shall be posted or distributed unless the purpose is to further a school  
28 activity, such as graduation, class pictures, or class rings. No information from any candidates  
29 for non-student elective offices shall be posted within the boundaries of the district property, or  
30 distributed to the students.

31  
32 If permission is granted to distribute materials, the organization must arrange to have copies  
33 delivered to the school. Distribution of the materials will be arranged by administration.  
34  
35  
36

37 Policy History:

38 Adopted on:

39 Reviewed on: 11/14/2012

40 Revised on: 12/12/2012

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4332

4  
5 Conduct on School Property

6  
7 In addition to prohibitions stated in other District policies, no person on school property shall:

- 8  
9 1. Injure or threaten to injure another person;
- 10  
11 2. Damage another's property or that of the District;
- 12  
13 3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- 14  
15  
16 4. Smoke or otherwise use tobacco or *nicotine* products;
- 17  
18 5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess weapons (as defined in Policy 3310) at any time;
- 19  
20  
21 6. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
- 22  
23  
24 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
- 25  
26  
27 8. Willfully violate other District rules and regulations.
- 28

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

32  
33  
34

35 Cross Reference: 3310 Student Discipline (*Possession of a Weapon in a School Building*)

36  
37 Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081  
38 Smoke Free School Act of 1994  
39 § 20-1-220, MCA Use of tobacco product in public school building or  
40 on public school property prohibited  
41 § 20-5-410, MCA Civil penalty

42

43 Policy History:

44 Adopted on: July 1, 2005

45 Reviewed on: March 10, 2010

46 Revised on: April 14, 2010

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4340

page 1 of 2

4  
5 Public Access to District Records

6  
7 Within limits of an individual's right of privacy, the public will be afforded full access to  
8 information concerning administration and operations of the District. Public access to District  
9 records shall be afforded according to appropriate administrative procedures.

10  
11 ADistrict records@ include any writing, printing, photostating, photographing, etc. (including  
12 electronic mail), which has been made or received by the District in connection with the  
13 transaction of official business and presented for informative value or as evidence of a  
14 transaction, and all other records required by law to be filed with the District. ADistrict records@  
15 do not include personal notes and memoranda of staff which remain in the sole possession of the  
16 maker and which are not generally accessible or revealed to other persons.

17  
18 The Superintendent will serve as the public records coordinator, with responsibility and authority  
19 for ensuring compliance with the display, indexing, availability, inspection, and copying  
20 requirements of state law and this policy. As coordinator, the Superintendent will authorize the  
21 inspection and copying of District records only in accordance with the criteria set forth in this  
22 policy.

23  
24 In accordance with Title 2, Chapter 6, MCA, the District will make available for public  
25 inspection and copying all District records or portions of records, except those containing the  
26 following information:

- 27
- 28 1. Personal information in any file maintained for students. Information in student records  
29 will be disclosed only in accordance with requirements of the Family Educational Rights  
30 and Privacy Act of 1974 and adopted District policy.
  - 31
  - 32 2. Personal information in files maintained for staff, to the extent that disclosure will violate  
33 their right to privacy.
  - 34
  - 35 3. Test questions, scoring keys, or other examination data used to administer academic tests.
  - 36
  - 37 4. The contents of real estate appraisals made for or by the District relative to the  
38 acquisition of property, until the project is abandoned or until such time as all of the  
39 property has been acquired, but in no event will disclosure be denied for more than three  
40 (3) years after appraisal.
  - 41
  - 42 5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which  
43 opinions are expressed or policies formulated or recommended, except a specific record  
44 shall not be exempt when publicly cited by the District in connection with any District  
45 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 B  
exceptions B penalty

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4410

4  
5 Relations with Law Enforcement and Child Protective Agencies

6  
7 The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff  
8 shall be responsible for holding students accountable for infractions of school rules, which may  
9 include minor violations of the law, occurring during school hours or at school activities. When  
10 there is substantial threat to the health and safety of students or others, such as in the case of  
11 bomb threats, mass demonstrations with threat of violence, individual threats of substantial  
12 bodily harm, trafficking in prohibited drugs, or the scheduling of events where large crowds may  
13 be difficult to handle, the law enforcement agency shall be called upon for assistance.  
14 Information regarding major violations of the law shall be communicated to the appropriate law  
15 enforcement agency.

16  
17 The District will strive to develop and maintain cooperative working relationships with the law  
18 enforcement agencies. Procedures for cooperation between law enforcement, child protective,  
19 and school authorities will be established. Such procedures will be made available to affected  
20 staff and will be periodically revised.

21  
22  
23  
24 Cross Reference: 4313 Disruption of School Operations

25  
26 Legal Reference: ' 20-1-206, MCA Disturbance of school B penalty

27  
28 Policy History:

29 Adopted on:

30 Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4411

4  
5 Investigations and Arrests by Police

6  
7 All contact between the school and the police department on matters involving students shall be  
8 made through the administrative office. The District encourages police to talk to a student away  
9 from the school and before or after school hours. Law enforcement authorities should only be  
10 allowed to conduct an interview in the school, if they can show special circumstances exist or if  
11 the interview is at the request of the school. The Superintendent or principal should make this  
12 determination.

- 13  
14 A. If the police have a warrant for the student=s arrest, they must be permitted to arrest the  
15 student; however, whenever possible, the arrest should be conducted in the principal=s  
16 office out of view of other students. Before removing a student from school, the police  
17 shall sign a release form in which they assume full responsibility for the student.  
18  
19 B. Law enforcement personnel should not be allowed to roam about the school until the  
20 student is found. They should remain in the administration office while school personnel  
21 seek out the student.  
22  
23 C. If possible, the educational program of the student should not be disrupted to allow for  
24 police questioning.  
25  
26 D. Any questioning by police should be conducted in a private room or area where  
27 confidentiality can be maintained.  
28  
29 E. If law enforcement officials are to be allowed to question a student under the age of  
30 eighteen (18), a reasonable attempt shall be made to notify the parents, except in cases of  
31 suspected child abuse or child neglect involving the parent. The parents should be given  
32 the opportunity to come to the school prior to the questioning.  
33  
34 F. If the parents are notified and able to attend, they should be allowed to be present at the  
35 interview. The administrator should be present at the interview, but should not take part  
36 in any questioning. The administrator should at all times remain a neutral observer.  
37  
38  
39

40 Policy History:

41 Adopted on:

42 Revised on:

# 1 Gardiner School District

### 3 COMMUNITY RELATIONS

4520

5 Cooperative Programs With Other Districts and Public Agencies

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

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

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

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

9	Legal Reference:	' ' 7-11-101, et seq., MCA	Interlocal Cooperation Act
0		' ' 20-7-451 through 456, MCA	Authorization to create full service
1			education cooperatives
2		' ' 20-7-801, et seq., MCA	Public recreation

#### 4 Policy History:

5 Adopted on:

6 Revised on:

1 **Gardiner School District**

2  
3 **COMMUNITY RELATIONS**

4530

4  
5 Cooperative Programs With Business and the Business Community

6  
7 The Board believes cooperation and support between the District and the business community is  
8 mutually beneficial. In addition, the school system has a major role in the economic life of the  
9 business community. Therefore, the District will:

- 10  
11 1. Strive to achieve and maintain a philosophy of partnership with the local business  
12 community;  
13  
14 2. Make District purchases locally when appropriate, legal, and economically feasible, as  
15 determined by the Superintendent;  
16  
17 3. Seek to promote cooperative projects which will be beneficial to the education of young  
18 people in the District;  
19  
20 4. Strive to recognize contributions from the business community;  
21  
22 5. Join and participate in those major organizations representing the business community  
23 and identified as appropriate for District membership by the Superintendent;  
24  
25 6. Evaluate business requests/proposals on an individual basis, the evaluation and  
26 determination of which will be left to the discretion of the Superintendent.  
27  
28  
29

30 Policy History:

31 Adopted on:

32 Revised on:



2  
3 **COMMUNITY RELATIONS**

4600

page 1 of 5

5 Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB")

6  
7 Improving Basic Programs Operated by Local Educational Agencies

- 8  
9 1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district  
10 that receives Title I funds shall notify the parents of each student attending any school  
11 receiving Title I funds that the parents may request, and the district will provide the  
12 parents on request, information regarding the professional qualifications of the student's  
13 classroom teachers, including, at a minimum, the following:  
14  
15 a. Whether the teacher has met the state qualifications and licensing criteria for the  
16 grade levels and subject areas in which the teacher provides instruction.  
17 b. Whether the teacher is teaching under emergency or other provisional status.  
18 c. The teacher's baccalaureate degree major and any other graduate certifications or  
19 degrees.  
20 d. Whether paraprofessionals provide services to the student and, if so, their  
21 qualifications.  
22  
23 2. As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on  
24 the level of achievement of the parent's child in each of the state academic assessments.  
25  
26 3. As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice  
27 that the parent's child has been assigned, or has been taught for four (4) or more  
28 consecutive weeks by, a teacher who is not highly qualified.  
29

30 Limited English Proficient Students

- 31  
32 1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a  
33 parent of a limited English proficient child identified for participation or participating in  
34 such a program, of the reasons for their child being identified, their child's level of  
35 English proficiency, instructional method, how their child's program will meet the  
36 child's needs, how the program will help the child learn English, exit requirements for  
37 the program to meet the objectives of any limited English proficiency, and information  
38 regarding parental rights.  
39  
40 2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to  
41 provide a language instruction educational program, that has failed to make progress on  
42 the annual measurable achievement objectives described in § 3122 for any fiscal year for  
43 which part A is in effect, shall separately inform the parents of a child identified for  
44 participation or participating in such a program, of such failure not later than thirty (30)  
45 days after such failure occurs.  
46

4600

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

#### Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
  - a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
  - b. The reasons for the identification;
  - c. An explanation of what the school identified for school improvement is doing to address the problem;
  - d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
  - e. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
  - f. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.
3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
  - a. The availability of supplemental education services;
  - b. The identity of approved providers of those services within the district or whose

- 1  
2 services are reasonably available in neighboring districts; and  
3 c. A brief description of those services, qualifications, and the demonstrated  
4 effectiveness of each such provider.  
5

6 Parental Involvement  
7

- 8 1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement  
9 policy, in an understandable and uniform format and, to the extent practicable, in a  
10 language the parents can understand. Such policy shall be made available to the local  
11 community and updated periodically to meet the changing needs of parents and the  
12 school.  
13  
14 2. As required by NCLB § 1118(c): Each school shall:  
15  
16 a. Convene an annual meeting at a convenient time, to which all parents of  
17 participating children shall be invited and encouraged to attend, to inform parents  
18 of their school's participation and to explain the requirements of the NCLB and  
19 the right of the parents to be involved;  
20 b. Offer a flexible number of meetings;  
21 c. Involve parents, in an organized, ongoing, and timely way, in the planning,  
22 review, and improvement of programs, including the planning, review, and  
23 improvement of the school parental involvement policy and the joint development  
24 of the school-wide program plan under § 1114(b)(2);  
25 d. Provide parents of participating children:  
26  
27 ! Timely information about programs under this part;  
28 ! A description and explanation of the curriculum in use at the school, the  
29 forms of academic assessment used to measure student progress, and the  
30 proficiency levels students are expected to meet; and  
31 ! If requested by parents, opportunities for regular meetings to formulate  
32 suggestions and to participate, as appropriate, in decisions relating to the  
33 education of their children, and respond to any such suggestions as soon  
34 as practicably possible.  
35

36 Education of Homeless Children and Youths  
37

- 38 1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the  
39 time any homeless child or youth seeks enrollment in the school and at least twice  
40 annually while the child or youth is enrolled in the school, to the parent or guardian of the  
41 child or youth (or, in the case of an unaccompanied youth, the youth) that:  
42  
43 a. Shall be signed by the parent or guardian;  
44

- 1 b. Sets forth the general rights provided under this subtitle;  
2 c. Specifically states:  
3 ! The choice of schools homeless children and youths are eligible to attend;  
4 ! That no homeless child or youth is required to attend a separate school for  
5 homeless children or youths;  
6 ! That homeless children and youths shall be provided comparable services,  
7 including transportation services, educational services, and meals through  
8 school meals programs;  
9 ! That homeless children and youths should not be stigmatized by school  
10 personnel;  
11 4. Includes contact information for the local liaison for homeless children and  
12 youths.  
13  
14 2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless  
15 youth, the district shall ensure that the homeless liaison assists in placement or  
16 enrollment decisions, considers the views of such unaccompanied youth, and provides  
17 notice to such youth of the right to appeal.  
18  
19 3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of  
20 the educational rights of homeless children is disseminated where such children and  
21 youths receive services under this Act, such as schools, family shelters, and soup  
22 kitchens.  
23

#### 24 Persistently Dangerous Schools

25

26 If the district is identified as a persistently dangerous school,<sup>1</sup> the district must, in a timely  
27 manner:  
28

- 29 1. Notify parents of each student attending the school that the state has identified the school  
30 as persistently dangerous.  
31

4600  
page 5 of 5  
32  
33

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<sup>1</sup> **APersistently dangerous public elementary school or secondary school,**@ in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

(1) In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense has been committed on school property, and

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates B

(a) more than five expulsions for a school of less than 250 students,

(b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or

(c) more than 15 expulsions for a school of more than 1,000 students.

2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.

3. For those students who accept the offer, complete the transfer.

In addition a district must also:

1. Develop a corrective action plan; and

2. Implement the plan in a timely manner.

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.

#### Student Privacy

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:

a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and

b. Offer an opportunity for the parent to opt the student out of the activity.

2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., *“The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”*

#### Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5000

4  
5 Board Goal/Personnel

6  
7 District staff are invaluable in creating an effective educational program and vibrant learning  
8 environment. The Board seeks always to employ highly qualified individuals for all positions in  
9 the District. The Board realizes opportunities for staff development should be provided  
10 periodically.

11  
12 The Board expects supervision and evaluation of staff to be conducted in a positive and helpful  
13 manner, with the intent of improving staff performance. The Board looks to staff to promote a  
14 positive school climate in all educational endeavors, so students may work toward their greatest  
15 potential, and the community will be proud of its investment.

16  
17 Nothing contained in the policies or administrative procedures included herein is intended to  
18 limit the legal rights of the Board or its agents except as expressly stated.

19  
20 Should any provision of Board policy or administrative procedure be held to be illegal by a court  
21 of competent jurisdiction, all remaining provisions shall continue in full force and effect.

22  
23  
24  
25 Policy History:

26 Adopted on:

27 Revised on:

2  
3 **PERSONNEL**

5002

4  
5 Accommodating Individuals with Disabilities

6  
7 Individuals with disabilities shall be provided opportunity to participate in all school-sponsored  
8 services, programs, or activities on an basis equal to those without disabilities and will not be  
9 subject to illegal discrimination.

10  
11 The District may provide auxiliary aids and services when necessary to afford individuals with  
12 disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or  
13 activity.

14  
15 Each service, program, or activity operated in existing facilities shall be readily accessible to,  
16 and usable by, individuals with disabilities. New construction and alterations to facilities  
17 existing before January 26, 1992, will be accessible when viewed in their entirety.

18  
19 The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and,  
20 in that capacity, is directed to:

- 21  
22 1. Oversee District compliance efforts, recommend to the Board necessary modifications,  
23 and maintain the District=s final Title II self-evaluation document and keep it available  
24 for public inspection.  
25  
26 2. Institute plans to make information regarding Title II protection available to any  
27 interested party.

28  
29 An individual with a disability should notify the Superintendent or building principal if they  
30 have a disability which will require special assistance or services and what services are required.  
31 This notification should occur as far as possible before the school-sponsored function, program,  
32 or meeting.

33  
34  
35  
36 Cross Reference: 1700 Uniform Complaint Procedure

37  
38 Legal Reference : Americans with Disabilities Act, 42 U.S.C. ' ' 12111, et seq., and 12131,  
39 et seq.; 28 C.F.R. Part 35.

40  
41 Policy History:

42 Adopted on:

43 Revised on:

**PERSONNEL**

5010

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, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories.

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.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.  
 Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.  
 Equal Pay Act, 29 U.S.C. § 206(d)  
 Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.  
 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.  
 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R., Part 1601  
 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq., 34 C.F.R., Part 106  
 Montana Constitution, Art. X, § 1 - Educational goals and duties  
 § 49-2-101, et. al., MCA Human Rights Act  
 § 49-3-102, MCA What local governmental units affected

Policy History:

Adopted on:

Revised on:



2  
3 **PERSONNEL**

5012

page 1 of 2

4  
5 Sexual Harassment/Sexual Intimidation in the Workplace

6  
7 The District will do everything in its power to provide employees a work environment free of  
8 unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or  
9 communications constituting sexual harassment, as defined and otherwise prohibited by state and  
10 federal law.

11  
12 The District prohibits its employees from making sexual advances or requesting sexual favors or  
13 engaging in any conduct of a sexual nature when:

- 14  
15 1. Submission to such conduct is made either explicitly or implicitly a term or condition of  
16 an individual's employment;  
17  
18 2. Submission to or rejection of such conduct by an individual is used as a basis for  
19 employment decisions affecting that individual; or  
20  
21 3. Such conduct has the purpose or effect of substantially interfering with the individual's  
22 work performance or creating an intimidating, hostile, or offensive work environment.  
23

24 Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms  
25 "intimidating," "hostile," or "offensive" include but are not limited to conduct that has the effect  
26 of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in  
27 light of all circumstances.

28  
29 A violation of this policy may result in disciplinary action, up to and including discharge. Any  
30 person who knowingly makes false accusation regarding sexual harassment will likewise be  
31 subject to disciplinary action, up to and including discharge.  
32

33 An aggrieved person who feels comfortable doing so should directly inform the person engaging  
34 in sexually harassing conduct or communication that such conduct or communication is  
35 offensive and must stop.  
36

37 Employees who believe they may have been sexually harassed or intimidated should contact the  
38 Title IX Coordinator or an administrator, who will assist them in filing a complaint. An  
39 individual with a complaint alleging a violation of this policy shall follow the Uniform  
40 Complaint Procedure.  
41

42  
43  
44 Cross Reference: 1700 Uniform Complaint Procedure  
45  
46

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.  
§ 1604.11  
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.  
Montana Constitution, Art. X, § 1 - Educational goals and duties  
§ 49-2-101, MCA Human Rights Act  
*Harris v. Fork Lift Systems*, 114 S.Ct. 367 (1993)

Policy History:

Adopted on:

Revised on:

5 Bullying/Harassment/Intimidation

7 The Board will strive to provide a positive and productive working environment. Bullying,  
8 harassment, intimidation, between employees or by third parties, are strictly prohibited and shall  
9 not be tolerated. This includes bullying, harassment, or intimidation via electronic  
10 communication devices (“cyberbullying”).

12 Definitions

- 14 1. “Third parties” include but are not limited to coaches, school volunteers, parents, school  
15 visitors, service contractors or others engaged in District business, such as employees of  
16 businesses or organizations participating in cooperative work programs with the District,  
17 and others not directly subject to District control at inter-district and intra-District athletic  
18 competitions or other school events.
- 20 2. “District” includes District facilities, District premises, and non-District property if the  
21 employee is at any District-sponsored, District-approved, or District-related activity or  
22 function, such as field trips or athletic events, where the employee is engaged in District  
23 business.
- 25 3. “Harassment, intimidation, or bullying” means any act that substantially interferes with  
26 an employee’s opportunities or work performance, that takes place on or immediately  
27 adjacent to school grounds, at any school-sponsored activity, on school-provided  
28 transportation, or anywhere conduct may reasonably be considered to be a threat or an  
29 attempted intimidation of a staff member or an interference with school purposes or an  
30 educational function, and that has the effect of:
- 32 a. Physically harming an employee or damaging an employee’s property;  
33 b. Knowingly placing an employee in reasonable fear of physical harm to the  
34 employee or damage to the employee’s property; or  
35 c. Creating a hostile working environment.
- 37 4. “Electronic communication device” means any mode of electronic communication,  
38 including, but not limited to, computers, cell phones, PDAs, or the internet.

40 Reporting

42 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
43 employee or third party who has knowledge of conduct in violation of this policy or feels he/she  
44 has been a victim of harassment, intimidation, or bullying in violation of this policy is  
45 encouraged to immediately report his/her concerns to the building principal or the District  
46 Administrator, who have overall responsibility for such investigations. Complaints against the

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: 7/8/2015

Reviewed on:

Revised on:

## **Gardiner School District**

### **PERSONNEL**

5120

#### 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 highly qualified personnel consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans preference.

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. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Every newly hired employee must provide the school district documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of the tester and the date and type of the test administered, unless the person provides written medical documentation that he/she is a known tuberculin reactor.

#### 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 Fingerprints and Criminal Background Investigations

Legal Reference: §20-4-202, MCA Teacher and specialist certification registration

§39-29-102, MCA      Point preference or alternative preference in  
initial hiring for certain applicants –  
substantially equivalent selection procedure  
No Child Left Behind Act of 2001 (P.L. 107-110)

Policy History:

Adopted on: July 1, 2005

Revised on: January 11, 2006

1 **Gardiner School District**

2  
3 **PERSONNEL**

5121

4  
5 Applicability of Personnel Policies

6  
7 Except where expressly provided to the contrary, personnel policies apply uniformly to the  
8 employed staff of the District. However, where there is a conflict between terms of a collective  
9 bargaining agreement and District policy, the law provides that the terms of the collective  
10 bargaining agreement shall prevail for staff covered by that agreement.

11  
12 Board policies will govern when a matter is not specifically provided for in an applicable  
13 collective bargaining agreement.

14  
15  
16  
17 Legal Reference: ' 39-31-102, MCA Chapter not a limit on legislative authority

18  
19 Policy History:

20 Adopted on:

21 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

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4  
5 Fingerprints and Criminal Background Investigations

6  
7 Board policy requires that any finalist recommended to be employed in a paid or volunteer  
8 position with the District, involving regular unsupervised access to students in schools, as  
9 determined by the Superintendent, shall submit to a name-based and fingerprint criminal  
10 background investigation conducted by the appropriate law enforcement agency before  
11 consideration of the recommendation for employment or appointment by the Board. The results  
12 of the name-based check will be presented to the Board, concurrent with the recommendation for  
13 employment or appointment. Any subsequent offer of employment or appointment will be  
14 contingent on results of the fingerprint criminal background check, which must be acceptable to  
15 the Board, in its sole discretion.

16  
17 The following applicants for employment, as a condition for employment, will be required, as a  
18 condition of any offer of employment, to authorize, in writing, a name-based and fingerprint  
19 criminal background investigation:

- 20  
21 ! A certified teacher seeking full- or part-time employment with the District;  
22 ! An educational support personnel employee seeking full- or part-time employment with  
23 the District;  
24 ! An employee of a person or firm holding a contract with the District, if the employee is  
25 assigned to the District;  
26 ! A volunteer assigned to work in the District, who has regular unsupervised access to  
27 students; and  
28 ! Substitute teachers.\*  
29

30 Any requirement of an applicant to submit to a fingerprint background check will be in  
31 compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If  
32 an applicant has any prior record of arrest or conviction by any local, state, or federal law  
33 enforcement agency for an offense other than a minor traffic violation, the facts must be  
34 reviewed by the Superintendent, who will decide whether the applicant will be declared eligible  
35 for appointment or employment. Arrests resolved without conviction will not be considered in  
36 the hiring process, unless the charges are pending.

37  
38  
39 *\*The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by*  
40 *the trustees, if the substitute has previous teaching or substitute teaching experience in an*  
41 *accredited public school in Montana prior to November 28, 2002.*  
42  
43  
44  
45  
46

5122



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:

Revised on:

**AUTHORIZATION TO RELEASE INFORMATION,  
INCLUDING CONSENT TO FINGERPRINT BACKGROUND CHECK**

5122F

To Whom it May Concern:

I, \_\_\_\_\_, am seeking employment, volunteer assignment, and/or approval to be selected as an on-call substitute with Gardiner School Districts # 7 & 4 (the District). I hereby expressly authorize release of any and all information of a confidential or privileged nature, including confidential criminal justice information as defined in ' 44-5-103(3), MCA, to the staff of the District and its agents.

I have \_\_\_\_\_ have not \_\_\_\_\_ been convicted or adjudicated\* of any crime in any jurisdiction, besides minor traffic offenses. Attached, if necessary, is a complete description of the circumstances surrounding the crime(s) of which I have been convicted or adjudicated in any jurisdiction. I acknowledge that I have the right to obtain a copy of the fingerprint background check obtained by the District and to challenge its accuracy if necessary. I further acknowledge that my access to children may be denied prior to completion of the fingerprint background check.

\* *Adjudication B A passing of judgment of a court of law or a decision of a judge.*

I hereby release the District and any organization, company, institution, or person furnishing information to the District and its agents as expressly authorized above, from any liability for damages which may result from any dissemination of the information requested, subject to provisions of Title 44, Chapter 5, Part 3, MCA. A fingerprint background check will be at my expense and will be deducted from the initial paycheck unless other arrangements are made with the District Office.

All statements and information provided within this application and its attachments, if any, are true and complete. I understand that omission or misrepresentation of material fact may result in refusal of or suspension from employment.

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Print full name: \_\_\_\_\_

Print full address: \_\_\_\_\_

\_\_\_\_\_  
CITY STATE ZIP

Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

STATE OF MONTANA )

: ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, a Notary Public for the state of Montana, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Authorization to Release Information, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

( S E A L )

\_\_\_\_\_  
[name]

NOTARY PUBLIC for the State of Montana

Residing at \_\_\_\_\_, Montana

My commission expires: \_\_\_\_\_

1 **Gardiner School District**

2  
3 **PERSONNEL**

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page 1 of 2

4  
5 Staff Health

6  
7 Medical Examinations

8  
9 Through its overall safety program and various policies pertaining to school personnel, the Board  
10 will promote the safety of employees during working hours and assist them in the maintenance  
11 of good health. The Board will encourage all its employees to maintain optimum health through  
12 the practice of good health habits.  
13

14 The Board may require physical examinations of its employees, under circumstances defined  
15 below. The District will maintain results of physical examinations in medical files separate from  
16 the employee's personnel file and will release them only as permitted by law.  
17

18 Physical Examinations

19  
20 If the work is of a physically demanding nature, subsequent to a conditional offer of employment  
21 and before commencement of work, the District may require an applicant to have a medical  
22 examination and to meet any other health requirements that may be imposed by the state. The  
23 District may condition an offer of employment on the results of such examination, if all entering  
24 employees in the applicable job category are subject to such examination. If approved by  
25 personnel services, an employee may be allowed a thirty-(30)-day grace period beginning from  
26 the date of employment to obtain the required medical examination.  
27

28 All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state  
29 law to have a satisfactory medical examination before employment.  
30

31 Communicable Diseases

32  
33 If a staff member has a communicable disease and has knowledge that a person with  
34 compromised or suppressed immunity attends the school, the staff member must notify the  
35 school nurse or other responsible person designated by the Board of the communicable disease  
36 which could be life threatening to an immune-compromised person. The school nurse or other  
37 responsible person designated by the Board must determine, after consultation with and on the  
38 advice of public health officials, if the immune-compromised person needs appropriate  
39 accommodation to protect their health and safety.  
40

41 An employee with a communicable disease shall not report to work during the period of time in  
42 which the employee is infectious. An employee afflicted with a communicable disease capable  
43 of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis)  
44 shall be encouraged to report the existence of the illness so that precautions may be taken to  
45  
46

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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	
	29 CFR, § 1630.14(c)(1)(2)(3)	
	42 U.S.C. 12101, et seq.	Americans with Disabilities Act
	Title 49, Chapter 2, MCA	Illegal Discrimination
	Title 49, Chapter 4, MCA	Rights of Persons with Disabilities
	§ 20-10-103(4), MCA	School bus driver qualifications
	ARM 16.28.1005	Employee of School – Day Care Facility
		Care Provider
	ARM 37.111.825	Health Supervision and Maintenance

### Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5140

4  
5 Classified Employment and Assignment

6  
7 Each classified employee will be employed under a written contract of a specified term, of a  
8 beginning and ending date, within the meaning of § 39-2-912, MCA. Such employees shall have  
9 no expectation of continued employment from year to year, and contracts of employment may be  
10 renewed or non-renewed during the summer of each year, at the District's sole option.

11  
12 The District reserves the right to change employment conditions affecting an employee's duties,  
13 assignment, supervisor, or grade.

14  
15 The Board will determine salary and wages for classified personnel.

16  
17 There will be no probationary period for those classified employees employed under and  
18 pursuant to a written contract for a specified term.

19  
20  
21 *NOTE: For those new hires not employed under or pursuant to a written contract for a specified*  
22 *term, the Board may establish a probationary period and should specify such*  
23 *probationary period in policy. If the Board does not establish a specific probationary*  
24 *period or provide that there is no probationary period prior to or at the time of hire,*  
25 *there is an automatic six-(6)-month probationary period from the date of hire.*  
26  
27  
28

29 Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive  
30 probationary period

31 *Hunter v. City of Great Falls* (2002), 2002 MT 331

32 *Whidden v. Nerison*, 294 Mont. 346, 981 P.2d 271 (1999)

33 *Bowden v. The Anaconda Co.*, 38 St. Rep. 1974 (D.C. Mont. 1981)

34 *Scott v. Eagle Watch Inv., Inc.*, 251 Mont. 191, 828 P.2d 1346 (1991)

35 *Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989)  
36

37 Policy History:

38 Adopted on: July 1, 2005

39 Revised on: October 11, 2006

1 **Gardiner School District**

2  
3 **PERSONNEL**

5210

4  
5 Assignments, Reassignments, Transfers

6  
7 The Superintendent may assign, reassign, and/or transfer positions and duties of all staff.  
8 Teachers will be assigned at the levels and in the subjects for which their certificates are  
9 endorsed. The Superintendent will provide for a system of assignment, reassignment, and  
10 transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy  
11 prevents reassignment of a staff member during a school year.  
12

13 Classified Staff

14  
15 The District retains the right of assignment, reassignment, and transfer. Written notice of  
16 reassignment or involuntary transfer will be given to the employee. The staff member will be  
17 given opportunity to discuss the proposed transfer or reassignment with the Superintendent.  
18

19 Teaching

20  
21 Notice of their teaching assignments relative to grade level, building, and subject area will be  
22 given to teachers before the beginning of the school year. All District employees assigned  
23 extracurricular activities as a contract obligation must honor this obligation as a condition of  
24 employment unless released from this responsibility by the Board.  
25

26 Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be  
27 found in negotiated agreements or employee handbooks.  
28  
29  
30

31 Policy History:

32 Adopted on:

33 Revised on:

1 **Gardiner School District**

3 **PERSONNEL**

5213

5 Vacancies

7 When the District determines a vacancy exists, that vacancy may be posted in each school  
8 building or, during the summer, outside the Clerk Office.

10 New positions may not be opened without specific approval of the Superintendent. In the case of  
11 certified staff, already existing positions which become vacant must have prior approval of the  
12 Superintendent, before such positions will be announced in accordance with the District=s hiring  
13 procedures. Already existing classified positions must have prior approval of the  
14 Superintendent, before the District=s hiring procedures will be implemented.

16 Vacancies may be advertised in-District only **OR** they may be advertised in-District and through  
17 job service, MSU Career Services at a college or university, local public advertising, and, when  
18 appropriate and time permits, through a broader regional and/or national basis.

20 A vacancy may be limited to in-District advertising upon recommendation of the Superintendent.

24 Policy History:

25 Adopted on:

26 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5214

4  
5 Job-Sharing Staff Members

6  
7 A job-sharing assignment is the sharing of one (1) full-time or nearly full-time regular position  
8 between two (2) persons. The Superintendent will be responsible for recommending to the  
9 Board those positions and persons where job sharing would best meet the District's needs.

10  
11 The Superintendent will be responsible for establishing job-sharing procedures, including but not  
12 limited to duties, salaries, responsibilities, and benefits. The District reserves the right to:

- 13  
14 1. Determine the number, if any, of job-sharing positions within the District;  
15  
16 2. Require job sharers to attend normal training seminars;  
17  
18 3. Abolish any job-sharing position at any time;  
19  
20 4. Change a job-sharing position to a non-job-sharing position, at the District's sole  
21 discretion;  
22  
23 5. Deny any staff member's request to change a job-sharing position to a non-job-sharing  
24 position or vice versa without reason other than the projected arrangement might not  
25 benefit the District;  
26  
27 6. Require job-sharing staff members to work full-time in the event of termination or  
28 resignation of one of the job-sharing staff members, or until such time as such staff  
29 member can be replaced according to the District's satisfaction and sole discretion.  
30

31 Those contingencies that may arise during the course of employment, such as but not limited to  
32 the absence or resignation of one of the job sharers, the computation of employment benefits,  
33 and the responsibilities to participate in staff meetings and on committees, will be discussed with  
34 and set forth in writing for the benefit of the employees job sharing and their supervisors. This  
35 will be accomplished by the Superintendent. The purpose of such statement is to resolve  
36 potential conflicts in an equitable fashion before they arise. Such conditions are not intended to  
37 discourage job sharing or impose disproportionate burdens on job-sharing staff members.  
38  
39  
40

41 Policy History:

42 Adopted on:

43 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL**

5214P

4  
5 Job-Sharing Staff Members

6  
7 Job sharing a position is requested from time to time. A request for job sharing should emanate  
8 from one or more employees, should be in writing, and should first go to the Superintendent.

9  
10 The administrator will study the feasibility of the request. In general the District will sustain  
11 requests which in its judgment do not impair continuity or productivity. On the other hand,  
12 requests for job sharing of either certified or classified positions will not be approved, if  
13 instructional or work-flow continuity and/or consistency is adversely affected.

14  
15 Whether or not to implement a job-sharing proposal will be based on the recommendation of the  
16 principal or program supervisor after assessing all factors. All parties affected must be willing to  
17 voluntarily enter into the agreement, and parties requesting job sharing must be aware that not all  
18 proposals will be approved.

19  
20  
21  
22 Procedure History:

23 Promulgated on:

24 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5221

4  
5 Work Day

6  
7 Length of Work Day - Certified Staff

8  
9 The current collective bargaining agreement sets forth all conditions pertaining to the certified  
10 work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the  
11 principal or as stipulated in the agreement.  
12

13 Length of Work Day - Classified Staff

14  
15 The length of a work day for classified staff is governed by the number of hours for which the  
16 employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-  
17 day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of  
18 breaks unless otherwise and specifically provided for by an individual contract. Supervisors will  
19 establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.  
20

21 Breaks

22  
23 The District may make available daily morning and afternoon rest periods of fifteen (15) minutes  
24 to all full-time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest  
25 period for each four (4) hours worked in a day. Breaks normally are to be taken in  
26 approximately mid-morning and mid-afternoon and should be scheduled in accordance with the  
27 flow of work and with approval of the employee’s supervisor.  
28  
29  
30

31 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

39  
40 Policy History:

41 Adopted on:

42 Revised on:

2  
3 **PERSONNEL**

5222

4  
5 Evaluation of Non-Administrative Staff

6  
7 Each non-administrative staff member=s job performance will be evaluated by the staff  
8 member=s direct supervisor. The evaluation process includes scheduled annual evaluations  
9 using forms applicable to the job classification and description, and day-to-day appraisals.  
10 Certified staff members may be evaluated according to the terms stated in the current collective  
11 bargaining agreement.  
12

13 The supervisor will provide a copy of the completed evaluation to the staff member and will  
14 provide opportunity to discuss the evaluation. The original should be signed by the staff member  
15 and filed with the Superintendent. If the staff member refuses to sign the evaluation, the  
16 supervisor should note the refusal and submit the evaluation to the Superintendent.  
17  
18  
19

20 Policy History:

21 Adopted on:

22 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5223

4  
5 Personal Conduct

6  
7 Employees are expected to maintain high standards of honesty, integrity, and impartiality in the  
8 conduct of District business.

9  
10 In accordance with state law, an employee should not dispense or utilize any information gained  
11 from employment with the District, accept gifts or benefits, or participate in business enterprises  
12 or employment that creates a conflict of interest with the faithful and impartial discharge of the  
13 employee's District duties. A District employee, before acting in a manner which might impinge  
14 on any fiduciary duty, may disclose the nature of the private interest which would create a  
15 conflict. Care should be taken to avoid using or avoid the appearance of using official positions  
16 and confidential information for personal advantage or gain.

17  
18 Further, employees are expected to hold confidential all information deemed not to be for public  
19 consumption as determined by state law and Board policy. Employees also will respect the  
20 confidentiality of people served in the course of an employee's duties and use information  
21 gained in a responsible manner. The Board may discipline, up to and including discharge, any  
22 employee who discloses confidential and/or private information learned during the course of the  
23 employee's duties or learned as a result of the employee's participation in a closed (executive)  
24 session of the Board. Discretion should be used even within the school system's own network of  
25 communication.

26  
27 Administrators and supervisors may set forth specific rules and regulations governing staff  
28 conduct on the job within a particular building.

29  
30  
31  
32 Legal Reference: § 20-1-201, MCA School officers not to act as agents

33  
34 Policy History:

35 Adopted on:

36 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5224

4  
5 Political Activity

6  
7 The Board recognizes its employees' rights of citizenship, including, but not limited to, engaging  
8 in political activities. A District employee may seek an elective office, provided the employee  
9 does not campaign on school property during working hours, and provided all other legal  
10 requirements are met. The District assumes no obligation beyond making such opportunities  
11 available. An employee elected to office is entitled to take a leave of absence without pay, in  
12 accordance with the provisions of § 2-18-620, MCA.

13  
14 No person, in or on District property, may attempt to coerce, command, or require a public  
15 employee to support or oppose any political committee, the nomination or election of any person  
16 to public office, or the passage of a ballot issue.

17  
18 No District employee may solicit support for or in opposition to any political committee, the  
19 nomination or election of any person to public office, or the passage of a ballot issue, while on  
20 the job or in or on District property.

21  
22 Nothing in this policy is intended to restrict the right of District employees to express their  
23 personal political views.

24  
25  
26  
27 Legal Reference: 5 USC 7321, et seq. Hatch Act  
28 § 2-18-620, MCA Mandatory leave of absence for employees holding  
29 public office – return requirements  
30 § 13-35-226, MCA Unlawful acts of employers and employees

31  
32 Policy History:

33 Adopted on:

34 Revised on:

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## 5225

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco. Use of tobacco will not be allowed in any buildings or on grounds, nor will employees be allowed to use tobacco while on duty. New employees of the District will be hired with the understanding that they will be directed not to use tobacco in school buildings or on grounds. Limitations or prohibitions on tobacco use are applicable to all hours.

Policy History:  
Adopted on:  
Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

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4  
5 Drug-Free Workplace

6  
7 All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- 8  
9 • Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the  
10 influence of a controlled substance while on District premises or while performing work  
11 for the District.  
12 • Distributing, consuming, using, possessing, or being under the influence of alcohol while  
13 on District premises or while performing work for the District.  
14

15 For purposes of this policy, a controlled substance is one that is:

- 16  
17 • Not legally obtainable;  
18 • Being used in a manner other than as prescribed;  
19 • Legally obtainable but has not been legally obtained; or  
20 • Referenced in federal or state controlled-substance acts.  
21

22 As a condition of employment, each employee will:

- 23  
24 • Abide by the terms of the District policy respecting a drug- and alcohol-free workplace;  
25 and  
26 • Notify his or her supervisor of his or her conviction under any criminal drug statute, for a  
27 violation occurring on District premises or while performing work for the District, no  
28 later than five (5) days after such conviction.  
29

30 In order to make employees aware of dangers of drug and alcohol abuse, the District will  
31 endeavor to:

- 32  
33 • Provide each employee with a copy of the District drug- and alcohol-free workplace  
34 policy;  
35 • Post notice of the District drug- and alcohol-free workplace policy in a place where other  
36 information for employees is posted;  
37 • Enlist the aid of community and state agencies with drug and alcohol informational and  
38 rehabilitation programs, to provide information to District employees; and  
39 • Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and  
40 any employee-assistance programs.  
41

42 District Action Upon Violation of Policy

43  
44 An employee who violates this policy may be subject to disciplinary action, including  
45 termination. Alternatively, the Board may require an employee to successfully complete an  
46 appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of ~~Five Thousand Dollars (\$5,000) or more~~, 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.

Policy History:  
Adopted on: July 1, 2005  
Reviewed on: November 14, 2007  
Revised on: December 12, 2007



2  
3 **PERSONNEL**

5228

4  
5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6  
7 The District will adhere to federal law and regulations requiring a drug and alcohol testing  
8 program for school bus and commercial vehicle drivers.

9  
10 The program will comply with requirements of the Code of Federal Regulations, Title 49, §§  
11 382, et seq. The Superintendent will adopt and enact regulations consistent with federal  
12 regulations, defining the circumstances and procedures for testing.

13  
14  
15  
16 Legal Reference: 49 U.S.C. § 45101, Alcohol and Controlled Substances Testing (Omnibus  
17 Transportation Employee Testing Act of 1991)  
18 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and  
19 Alcohol Testing Programs), 382 (Controlled substance and alcohol use  
20 and testing), and 395 (Hours of service of drivers)

21  
22 Policy History:

23 Adopted on:

24 Revised on:

2  
3 **PERSONNEL**

5228P

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4  
5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6  
7 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program  
8 that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

9  
10 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,  
11 including the driver, are likewise subject to the drug and alcohol testing program.

12  
13 Testing procedures and facilities used for the tests shall conform with the requirements of the  
14 Code of Federal Regulations, Title 49, §§ 40, et seq.

15  
16 Pre-Employment Tests

17  
18 Tests shall be conducted before the first time a driver performs any safety-sensitive function for  
19 the District.

20  
21 Safety-sensitive functions include all on-duty functions performed from the time a driver begins  
22 work or is required to be ready to work, until he/she is relieved from work and all responsibility  
23 for performing work. It includes driving; waiting to be dispatched; inspecting and servicing  
24 equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining  
25 and waiting for help with a disabled vehicle; performing driver requirements related to accidents;  
26 and performing any other work for the District or paid work for any entity.

27  
28 The tests shall be required of an applicant only after he/she has been offered the position.

29  
30 Exceptions may be made for drivers who have had the alcohol test required by law within the  
31 previous six (6) months and participated in the drug testing program required by law within the  
32 previous thirty (30) days, provided that the District has been able to make all verifications  
33 required by law.

34  
35 Post-Accident Tests

36  
37 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable  
38 on any driver:

- 39  
40 1. who was performing safety-sensitive functions with respect to the vehicle, if the accident  
41 involved loss of human life; or  
42  
43 2. who receives a citation under state or local law, for a moving traffic violation arising  
44 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.

1  
2 A supervisor or District official who makes observations leading to a controlled substance  
3 reasonable suspicion test shall make a written record of his/her observations within twenty-four  
4 (24) hours of the observed behavior or before the results of the drug test are released, whichever  
5 is earlier.

#### 6 7 Enforcement 8

9 Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up  
10 test shall not perform or continue to perform safety-sensitive functions.

11  
12 Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and  
13 including dismissal.

14  
15 A driver who violates District prohibitions related to drugs and alcohol shall receive from the  
16 District the names, addresses, and telephone numbers of substance abuse professionals and  
17 counseling and treatment programs available to evaluate and resolve drug and alcohol-related  
18 problems. The employee shall be evaluated by a substance abuse professional who shall  
19 determine what help, if any, the driver needs in resolving such a problem. Any substance abuse  
20 professional who determines that a driver needs assistance shall not refer the driver to a private  
21 practice, person, or organization in which he/she has a financial interest, except under  
22 circumstances allowed by law.

23  
24 An employee identified as needing help in resolving a drug or alcohol problem shall be  
25 evaluated by a substance abuse professional to determine that he/she has properly followed the  
26 prescribed rehabilitation program and shall be subject to unannounced follow-up tests after  
27 returning to duty.

#### 28 29 Return-to-Duty Tests 30

31 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or  
32 alcohol prohibition returns to performing safety-sensitive duties.

33  
34 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function  
35 until the return-to-duty drug test produces a verified negative result.

36  
37 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function  
38 until the return-to-duty alcohol test produces a verified result that meets federal and District  
39 standards.

#### 40 41 Follow-Up Tests 42

43 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by

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1 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall  
2 be subject to unannounced follow-up testing as directed by the substance abuse professional in  
3 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just  
4 after the time when the driver is performing safety-sensitive functions.

#### 5 6 Records

7  
8 Employee drug and alcohol test results and records shall be maintained under strict  
9 confidentiality and released only in accordance with law. Upon written request, a driver shall  
10 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records  
11 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent  
12 employer or other identified persons only as expressly requested in writing by the driver.

#### 13 14 Notifications

15  
16 Each driver shall receive educational materials that explain the requirements of the Code of  
17 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and  
18 regulations for meeting these requirements. Representatives of employee organizations shall be  
19 notified of the availability of this information. The information shall identify:

- 20  
21 1. The person designated by the District to answer driver questions about the materials;
- 22  
23 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,  
24 Part 382;
- 25  
26 3. Sufficient information about the safety-sensitive functions performed by drivers to make  
27 clear what period of the work day the driver is required to comply with Part 382;
- 28  
29 4. Specific information concerning driver conduct that is prohibited by Part 382;
- 30  
31 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part  
32 382;
- 33  
34 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the  
35 driver and the integrity of the testing processes, safeguard the validity of test results, and  
36 ensure that test results are attributed to the correct driver;
- 37  
38 7. The requirement that a driver submit to drug and alcohol tests administered in accordance  
39 with Part 382;
- 40  
41 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the  
42 attendant consequences;

- 43  
44  
45  
46 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of

1 Part 382, including the requirement that the driver be removed immediately from safety-  
2 sensitive functions and the procedures for referral, evaluation, and treatment;

3  
4 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater  
5 but less than 0.04; and

6  
7 11. Information concerning the effects of drugs and alcohol on an individual's health, work,  
8 and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a  
9 coworker's); and available methods of intervening when a drug or alcohol problem is  
10 suspected, including confrontation, referral to an employee assistance program, and/or  
11 referral to management.

12  
13 Drivers shall also receive information about legal requirements, District policies, and  
14 disciplinary consequences related to the use of alcohol and drugs.

15  
16 Each driver shall sign a statement certifying that he/she has received a copy of the above  
17 materials.

18  
19 Before any driver operates a commercial motor vehicle, the District shall provide him/her with  
20 post-accident procedures that will make it possible to comply with post-accident testing  
21 requirements.

22  
23 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are  
24 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be  
25 provided only after the compliance date specified in law.

26  
27 The District shall notify a driver of the results of a pre-employment drug test if the driver  
28 requests such results within sixty (60) calendar days of being notified of the disposition of  
29 his/her employment application.

30  
31 The District shall notify a driver of the results of random, reasonable suspicion, and post-  
32 accident drug tests if the test results are verified positive. The District shall also tell the driver  
33 which controlled substance(s) were verified as positive.

34  
35 Drivers shall inform their supervisors if at any time they are using a controlled substance which  
36 their physician has prescribed for therapeutic purposes. Such a substance may be used only if  
37 the physician has advised the driver that it will not adversely affect his/her ability to safely  
38 operate a commercial motor vehicle.

39  
40 Procedure History:

41 Promulgated on:

42 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5230

4  
5 Prevention of Disease Transmission

6  
7 All District personnel will be advised of routine procedures to follow in handling body fluids.  
8 These procedures, developed in consultation with public health and medical personnel, will  
9 provide simple and effective precautions against transmission of diseases to persons exposed to  
10 the blood or body fluids of another. The procedures will follow standard health and safety  
11 practices. No distinction will be made between body fluids from individuals with a known  
12 disease or infection and from individuals without symptoms or with an undiagnosed disease.  
13

14 The District will provide training on procedures on a regular basis. Appropriate supplies will be  
15 available to all personnel, including those involved in transportation and custodial services.  
16  
17  
18

19 Policy History:

20 Adopted on:

21 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5231

4  
5 Personnel Records

6  
7 The District maintains a complete personnel record for every current and former employee. The  
8 employees' personnel records will be maintained in the District's administrative office, under the  
9 Superintendent's direct supervision. Employees will be given access to their personnel records,  
10 in accordance with guidelines developed by the Superintendent.

11  
12 In addition to the Superintendent or other designees, the Board may grant a committee or a  
13 member of the Board access to cumulative personnel files. When specifically authorized by the  
14 Board, counsel retained by the Board or by the employee will also have access to a cumulative  
15 personnel file.

16  
17 In accordance with federal law, the District shall release information regarding the professional  
18 qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon  
19 request, for any teacher or paraprofessional who is employed by a school receiving Title I funds,  
20 and who provides instruction to their child at that school. Access to other information contained  
21 in the personnel records of District employees is governed by Policy 4340.

22  
23  
24  
25 Cross Reference: 4340 Public Access to District Records

26  
27 Legal Reference: 10.55.701, ARM Board of Trustees  
28 No Child Left Behind Act of 2001, P.L. 107-334

29  
30 Policy History:

31 Adopted on:

32 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL**

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page 1 of 2

4  
5 Personnel Records

6  
7 The District shall maintain a cumulative personnel file in the administrative office for each of its  
8 employees, as required by the Office of Public Instruction and current personnel policies. These  
9 records are not to leave the administrative office except as specifically authorized by the  
10 Superintendent, and then only by signed receipt. Payroll records are maintained separately.

11  
12 Contents of Personnel Files

13  
14 A personnel file may contain, but is not limited to, transcripts from colleges or universities,  
15 information allowed by statute, a record of previous employment (other than college placement  
16 papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and  
17 copies of letters of recommendation requested by an employee. All material in the personnel file  
18 must be related to the employee's work, position, salary, or employment status in the District.  
19 All documents, communications, and records dealing with the processing of a grievance shall be  
20 filed separately from the personnel files of the participants.

21  
22 No material derogatory to an employee's conduct, service, character, or personality shall be  
23 placed in the file, unless such placement is authorized by the Superintendent, as indicated by his  
24 initials, and unless the employee has had adequate opportunity to read the material. For the latter  
25 purpose, the Superintendent shall take reasonable steps to obtain the employee's initials or  
26 signature verifying the employee has received a copy of the material. If the employee refuses to  
27 sign the document indicating they have had an opportunity to read it, the Superintendent will  
28 place an addendum to the document, noting that the employee was given a copy but refused to  
29 sign. The Superintendent will date and sign the addendum.

30  
31 Disposition of Personnel Files

32  
33 An employee, upon termination, may request transcripts of college and university work. Any  
34 confidential college or university placement papers shall be returned to the sender or destroyed  
35 at the time of employment. All other documents shall be retained and safeguarded by the  
36 District for such periods as prescribed by law.

37  
38 Record-Keeping Requirements Under the Fair Labor Standards Act

39  
40 1. Records required for ALL employees:

- 41  
42 A. Name in full (same name as used for Social Security);  
43 B. Employee's home address, including zip code;  
44 C. Date of birth if under the age of nineteen (19);  
45 D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);  
46

5231P

- 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:

Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5232

4  
5 Abused and Neglected Child Reporting

6  
7 A District employee who has reasonable cause to suspect that a student may be an abused or  
8 neglected child shall report such a case to the Montana Department of Public Health and Human  
9 Services and notify the Superintendent or principal that a report has been made. An employee  
10 does not discharge the obligation to personally report by notifying the Superintendent or  
11 principal.

12  
13 Any District employee who fails to report a suspected case of abuse or neglect to the Department  
14 of Public Health and Human Services, or who prevents another person from doing so, may be  
15 civilly liable for damages proximately caused by such failure or prevention and is guilty of a  
16 misdemeanor. The employee will also be subject to disciplinary action up to and including  
17 termination.

18  
19  
20  
21 Legal Reference: ' 41-3-201, MCA Reports  
22 ' 41-3-202, MCA Action on reporting  
23 ' 41-3-203, MCA Immunity from liability  
24 ' 41-3-205, MCA Confidentiality B disclosure exceptions  
25 ' 41-3-207, MCA Penalty for failure to report  
26

27 Policy History:

28 Adopted on:

29 Revised on:

1 **Gardiner School District**

5232F

3 **PERSONNEL**

5 **Gardiner School District**  
6 **Report of Suspected Child Abuse or Neglect**

8 *Original to: Department of Public Health and Human Services*

9 *Copy to: Building Principal*

11 From: \_\_\_\_\_ Title: \_\_\_\_\_

13 School: \_\_\_\_\_ Phone: \_\_\_\_\_

15 Persons contacted: ☐ Principal ☐ Teacher ☐ School Nurse ☐ Other

17 Name of Minor: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

19 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

21 Date of Report: \_\_\_\_\_ Attendance Pattern: \_\_\_\_\_

23 Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

25 Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

27 Guardian or  
28 Stepparent: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

30 Any suspicion of injury/neglect to other family members:

32 Nature and extent of the child's injuries, including any evidence of previous injuries, and any other  
33 information which may be helpful in showing abuse or neglect, including all acts which lead you to  
34 believe the child has been abused or neglected: \_\_\_\_\_  
35 \_\_\_\_\_

37 Previous action taken, if any: \_\_\_\_\_  
38 \_\_\_\_\_

40 Follow-up by Department of Public Health and Human Services (DPHHS to complete and return  
41 copy to the Building Principal):

43 Date Received: \_\_\_\_\_ Date of Investigation: \_\_\_\_\_

2  
3 **PERSONNEL**

5240

4  
5 Resolution of Staff Complaints/Problem-Solving

6  
7 As circumstances allow, the District will attempt to provide the best working conditions for its  
8 employees. Part of this commitment is encouraging an open and frank atmosphere in which any  
9 problem, complaint, suggestion, or question is answered quickly and accurately by District  
10 supervisors or administration.

11  
12 The District will endeavor to promote fair and honest treatment of all employees. Administrators  
13 and employees are all expected to treat each other with mutual respect. Each employee has the  
14 right to express his or her views concerning policies or practices to the administration in a  
15 businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and  
16 constructive criticism.

17  
18 Each employee is expected to follow established rules of conduct, policies, and practices.  
19 Should an employee disagree with a policy or practice, the employee can express his or her  
20 disagreement through the District's grievance procedure. No employee shall be penalized,  
21 formally or informally, for voicing a disagreement with the District in a reasonable, businesslike  
22 manner or for using the grievance procedure. **An employee filing a grievance under a**  
23 **collective bargaining agreement is required to follow the grievance procedure for that**  
24 **particular agreement.**

25  
26  
27  
28 Cross Reference: 1700 Uniform Complaint Procedure

29  
30 Policy History:

31 Adopted on:

32 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5250

4  
5 Non-Renewal of Employment/Dismissal from Employment

6  
7 The Board, after receiving the recommendations of the Superintendent, will determine the non-  
8 renewal or termination of certified and classified staff, in conformity with state statutes and  
9 applicable District policy.

10  
11  
12  
13 Cross Reference: 5140 Classified Employment and Assignment

14  
15 Legal Reference: § 20-4-204, MCA Termination of tenure teacher services  
16 § 20-4-206, MCA Notification of nontenure teacher reelection –  
17 acceptance – termination.  
18 § 20-4-207, MCA Dismissal of teacher under contract  
19

20 Policy History:

21 Adopted on:

22 Revised on:

1   **Gardiner School District**

3   **PERSONNEL**

5251

5   Resignations

8   The Board authorizes the Superintendent [school administrator] to accept on its behalf  
9   resignations from any school district employee. The Superintendent [school administrator] shall  
10   provide written acceptance of the resignation, including the date of acceptance, to the employee  
11   setting forth the effective date of the resignation.

13   Once the Superintendent [school administrator] has accepted the resignation it may not be  
14   withdrawn by the employee. The resignation and its acceptance should be reported as  
15   information to the Board at the next regular or special meeting.

18   Legal Reference:                   *Booth v. Argenbright, 225 M 272, 731 P2d 1318, 44 St. Rep. 227*  
19                                       *(1987)*

23   Policy History:

24   Adopted on: July 1, 2005

25   Reviewed on: December 12, 2007

26   Revised on: January 9, 2008

1 **Gardiner School District**

2  
3 **PERSONNEL**

5253

4  
5 Retirement Programs for Employees

6  
7 All District employees shall participate in retirement programs under the Federal Social Security  
8 Act and either the Teachers' Retirement System or the Public Employees' Retirement System in  
9 accordance with state retirement regulations.

10  
11 Certified employees who intend to retire at the end of the current school year should notify the  
12 Superintendent in writing prior to April 1 of that year **OR** according to terms of the current  
13 collective bargaining agreement.

14  
15 Those employees intending to retire, who are not contractually obligated to complete the school  
16 year, should notify the Superintendent as early as possible and no less than sixty (60) days before  
17 their retirement date.

18  
19 The relevant and most current negotiated agreements for all categories of employees shall  
20 specify severance stipends and other retirement conditions and benefits.

21  
22 The District will contribute to the PERS whenever a classified employee is employed for more  
23 than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year.  
24 Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS  
25 coverage, at their option and in accordance with § 19-3-412, MCA.

26  
27  
28  
29 Legal Reference: Title 19, Chapter 1, MCA Social Security  
30 Title 19, Chapter 3, MCA Public Employees' Retirement System  
31 Title 19, Chapter 20, MCA Teachers' Retirement  
32

33 Policy History:

34 Adopted on:

35 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL**

5254

4  
5 Payment of Employer Contributions and Interest on Previous Service

6  
7 A Public Employees' Retirement System (PERS) member may purchase (1) all or a portion of  
8 the member's employment with an employer prior to the time the employer entered into a  
9 contract for PERS coverage and (2) all or a portion of the member's employment for which  
10 optional PERS membership was declined (both of which are known as previous service).

11  
12 The member must file a written application with the PERS Board to purchase all or a portion of  
13 the employment for service credit and membership service. The application must include salary  
14 information certified by the member's employer or former employer.

15  
16 The District has the option to pay, or not to pay, the employer's contributions due on previous  
17 service and the option to pay, or not to pay, the outstanding interest due on the employer's  
18 contributions for the previous service.

19  
20 It is the policy of this District to not pay the employer's contributions due on previous service.

21  
22 It is also the policy of this District to not pay the outstanding interest due on the employer's  
23 contributions for the previous service.

24  
25 This policy will be applied indiscriminately to all employees and former employees of this  
26 District.

27  
28  
29  
30 Legal Reference:      §19-3-505, MCA      Purchase of previous employment with employer

31  
32  
33  
34 Policy History:

35 Adopted on: November 11, 2009

36 Reviewed on:

37 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5255

4  
5 Disciplinary Action

6  
7 District employees who fail to fulfill their job responsibilities or to follow reasonable directions  
8 of their supervisors, or who conduct themselves on or off the job in ways that affect their  
9 effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call  
10 for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds  
11 based on a failure to satisfactorily perform job duties, disruption of the District's operation, or  
12 other legitimate reasons.

13  
14 Discipline will be reasonably appropriate to the circumstance and will include but not be limited  
15 to a supervisor's right to reprimand an employee and the Superintendent's right to suspend an  
16 employee, with or without pay, or to impose other appropriate disciplinary sanctions. In  
17 accordance with Montana law, only the Board may terminate an employee or non-renew  
18 employment.

19  
20 The Superintendent is authorized to immediately suspend a staff member.

21  
22  
23  
24 Legal Reference:      § 20-3-210, MCA      Controversy appeals and hearings  
25                              § 20-3-324, MCA      Powers and duties  
26                              § 20-4-207, MCA      Dismissal of teacher under contract  
27                              § 39-2-903, MCA      Definitions

28  
29 Policy History:

30 Adopted on:

31 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5256

4  
5 Reduction in Force

6  
7 The Board has exclusive authority to determine the appropriate number of employees. A  
8 reduction in certified employees may occur as a result of but not be limited to changes in the  
9 education program, staff realignment, changes in the size or nature of the student population,  
10 financial considerations, or other reasons deemed relevant by the Board.

11  
12 The Board will follow the procedure stated in the current collective bargaining agreement when  
13 considering a reduction in force. The reduction in certified employees, other than administrators,  
14 will generally be accomplished through normal attrition when possible. The Board may  
15 terminate certified employees, if normal attrition does not meet the required reduction in force.

16  
17 The Board will consider performance evaluations, staff needs, and other reasons it deems  
18 relevant, in determining order of dismissal when it reduces classified staff or discontinues some  
19 type of educational service.

20  
21  
22  
23 Cross Reference: 5250 Nonrenewal of Employment/Dismissal from Employment

24  
25 Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection –  
26 acceptable – termination

27  
28 Policy History:

29 Adopted on:

30 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5314

4  
5 Substitutes

6  
7 The Board authorizes the use of substitute teachers as necessary to replace teachers who are  
8 temporarily absent. The principal or designee will arrange for the substitute to work for the  
9 absent teacher. Under no condition is a teacher to select or arrange for a private substitute.

10  
11 The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are  
12 given to substitute teachers.

13  
14 Substitutes for classified positions will be paid by the hour. When a classified employee is  
15 called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate  
16 of pay is higher.

17  
18 All substitute teachers will be required to undergo fingerprint and background checks. *The*  
19 *Board may pass a motion waiving, in whole or in part, this requirement, if the non-licensed*  
20 *substitute has previous teaching or substitute teaching experience in an accredited public school*  
21 *in Montana prior to November 28, 2002.*

22  
23  
24  
25 Policy History:

26 Adopted on:

27 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5321  
page 1 of 2

4  
5 Leaves of Absence

6  
7 Sick and Bereavement Leave

8  
9 Certified employees will be granted sick leave according to terms of their teaching contract.

10  
11 Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA.  
12 For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness  
13 suffered by an employee or an employee’s immediate family. The time that an employee is  
14 unable to perform job duties because of:

- 15 • a physical or mental illness, injury, or disability;
- 16 • maternity or pregnancy-related disability or treatment, including a prenatal care, birth, or
- 17 medical care for the employee or the employee’s child;
- 18 • parental leave for a permanent employee as provided in 2-18-606, MCA;
- 19 • quarantine resulting from exposure to a contagious disease;
- 20 • examination or treatment by a licensed health care provider;
- 21 • short-term attendance, in an agency’s discretion to care for a person (who is not the
- 22 employee or a member of the employee’s immediate family) until other care can
- 23 reasonably be obtained;
- 24 • necessary care for a spouse, child or parent with a serious health condition, as defined in
- 25 the Family and Medical Leave Act of 1993; or
- 26 • death or funeral attendance of an immediate family member or, at an agency’s discretion,
- 27 another person.

28  
29 Nothing in this policy guarantees approval of the granting of such leave in any instance. The  
30 District will judge each request in accordance with this policy and governing collective  
31 bargaining agreements.

32  
33 It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave  
34 credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick  
35 leave is cause for disciplinary action up to and including termination.

36  
37 An employee who has suffered a death in the immediate family will be eligible for bereavement  
38 leave. Bereavement leave must be approved by the Board. Such leave will not exceed three (3)  
39 months unless prescribed by a physician.

40  
41 Personal and Emergency Leave

42  
43 Teachers will be granted personal and emergency leave according to terms of the current  
44 collective bargaining agreement. Upon recommendation of the Superintendent, and in  
45 accordance with law and District policy, classified staff may be granted personal leave pursuant  
46

to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.
2. Leave will be granted only in units of half or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

#### Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy- related leave of absence

#### Policy History:

Adopted on: July 1, 2005

Revised on: October 11, 2006

## **Gardiner School District**

### **PERSONNEL**

5322

#### **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 of 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.

Unless otherwise impossible, all requests for military leave will be submitted at least one full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give notice of intent to return to the Superintendent, in writing, as least one full month in advance of the return date.

Legal Reference:	38 U.S.C. §§ 4301-4333	The Uniformed Services Employment and Reemployment Act of 1994
	§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
	§10-1-007, MCA	Right To Return To Employment Without Loss of Benefits
	§10-1-1009, MCA	Paid Military Leave for Public Employees

#### Policy History

Adopted on: December 13, 2006

Revised on:

1  
2 **Gardiner School District**

**R**

3  
4 **PERSONNEL**

5325

5  
6 Breastfeeding Workplace

7  
8 Recognizing that breastfeeding is a normal part of daily life for mothers and infants, and that  
9 Montana law authorizes mothers to breastfeed their infants where mothers and children are  
10 authorized to be, the District will support women who want to continue breastfeeding after  
11 returning from maternity leave.

12  
13 The District shall provide reasonable unpaid break time each day to an employee who needs to  
14 express milk for the employee's child, if breaks are currently allowed. If breaks are not currently  
15 allowed, the District shall consider each case and make accommodations as possible. The  
16 District is not required to provide break time if to do so would unduly disrupt the District's  
17 operations. Supervisors are encouraged to consider flexible schedules when accommodating  
18 employee's needs.

19  
20 The District will make reasonable efforts to provide a room or other location, in close proximity  
21 to the work area, other than a toilet stall, where an employee can express the employee's breast  
22 milk. The available space will include the provision for lighting and electricity for the pump  
23 apparatus. If possible, supervisors will ensure that employees are aware of these workplace  
24 accommodations prior to maternity leave.

25  
26  
27 Legal Reference: Title 39, Chapter 2, Part 2, MCA

28  
29  
30  
31  
32 Policy History:

33 Adopted on: November 14, 2007

34 Revised on:





1 **Gardiner School District**

2  
3 **PERSONNEL**

5321P  
page 1 of 2

4  
5 Conditions for Use of Leave

6  
7 Certified staff may use sick leave for those instances listed in the current collective bargaining  
8 agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-  
9 related disability, including prenatal care, birth, miscarriage, or abortion; quarantine resulting  
10 from exposure to contagious disease; medical, dental, or eye examination or treatment; necessary  
11 care of or attendance to an immediate family member or, at the District's discretion, another  
12 relative for the above reasons until other attendants can reasonably be obtained, and death or  
13 funeral attendance for an immediate family member. Leave without pay may be granted to  
14 employees upon the death of persons not included in this list.

15  
16 Accrual and Use of Sick Leave Credits

17  
18 Classified employees serving in positions that are permanent full-time, seasonal full-time, or  
19 permanent part-time are eligible to earn sick leave credits, which will accrue from the first day of  
20 employment. A classified employee must be employed continuously for a qualifying period of  
21 ninety (90) calendar days in order to use sick leave. Unless there is a break in service, an  
22 employee only serves the qualifying period once. After a break in service, an employee must  
23 again complete the qualifying period to use sick leave. Sick leave may not be taken in advance  
24 nor may leave be taken retroactively. A seasonal classified employee may carry over accrued  
25 sick leave credits to the next season if management has a continuing need for the employee or,  
26 alternatively, may be paid a lump sum for accrued sick leave credits when the season ends, in  
27 accordance with ARM 2.21.141.

28  
29 Employees, whether classified or certified, simultaneously employed in two (2) or more  
30 positions, will accrue sick leave credits in each position according to the number of hours  
31 worked or a proration of the contract (in the case of certified) worked. Leave credits will be  
32 used only from the position in which the credits were earned and with approval of the supervisor  
33 or appropriate authority for that position. Hours in a pay status paid at the regular rate will be  
34 used to calculate leave accrual. Sick leave credits will not accrue for those hours exceeding forty  
35 (40) hours in a work week, which are paid as overtime hours or recorded as compensatory time.  
36 A full-time employee will not earn less than nor more than the full-time sick leave accrual rate  
37 provided classified employees.

38  
39 When an employee who has not worked the qualifying period for use of sick leave takes an  
40 approved continuous leave of absence without pay in excess of fifteen (15) working days, the  
41 amount of time an employee is on leave of absence will not count toward completion of the  
42 qualifying period. The approved leave of absence exceeding fifteen (15) working days is not a  
43 break in service, and the employee will not lose any accrued sick leave credits nor lose credit for  
44 time earned toward the qualifying period. An approved continuous leave of absence without pay  
45 of fifteen (15) working days or less will be counted as time earned toward the ninety-(90)-day

5321P

qualifying period.

#### Calculation of Sick Leave Credits

Certified employees will earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees will earn sick leave credits at the rate of twelve (12) working days for each year of service. Sick leave credits will be prorated for part-time employees who have worked the qualifying period. The payroll office will refine this data by keeping records per hour worked.

#### Sick Leave Banks

Donation of sick leave credits to and use of sick leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

#### Lump-Sum Payment on Termination of Classified Employees

When a classified employee terminates employment with the District, the employee is entitled to cash compensation for one-fourth (3) of the employee's accrued and unused sick leave credits, provided the employee has worked the qualifying period. The value of unused sick leave is computed based on the employee's salary rate at the time of termination.

#### Industrial Accident

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. Use of sick leave must be coordinated with receipt of workers' compensation benefits on a case-by-case basis, by contacting the Montana Schools Group Workers' Compensation Risk Retention Program (WCRRP).

#### Sick Leave Substituted for Annual Leave

A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

#### Procedure History:

Promulgated on:

Revised on:

2  
3 **PERSONNEL**

5328

4  
5 Family Medical Leave

6  
7 In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of  
8 absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an  
9 eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for  
10 adoption or foster care; 3) a serious health condition which makes the employee unable to  
11 perform functions of the job; or 4) to care for the employee's spouse, child, or parent with a  
12 serious health condition.

13  
14 An employee is eligible to take FMLA leave, if the employee has been employed for at least  
15 twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during  
16 the twelve (12) months immediately prior to the date leave is requested and there have been at  
17 least fifty (50) District employees within seventy-five (75) miles for each working day during  
18 twenty (20) or more workweeks in the current or preceding calendar year.

19  
20 Employees will be required to use appropriate paid leave while on FMLA leave. Workers'  
21 compensation absences will be designated FMLA leave.

22  
23 The Board has determined that the twelve-(12)-month period during which an employee may  
24 take FMLA leave is July 1 to June 30.

25  
26 The Superintendent has discretion to require medical certification to determine initial or  
27 continued eligibility under FMLA, as well as fitness for duty.

28  
29  
30 NOTE: This provision applies to school districts with fifty (50) or more employees.  
31 Those districts with less than fifty (50) employees must comply with notice and  
32 record retention but are not obligated to provide the leave as a benefit of any  
33 employee's employment.

34  
35  
36  
37 Legal Reference: 29 CFR 825, 29 USC 2601, et seq. - Family and Medical Leave Act of 1993  
38 §§ 2-18-601, et seq., MCA Leave Time  
39 §§ 49-2-301, et seq., MCA Prohibited Discriminatory Practices

40  
41 Policy History:

42 Adopted on:

43 Revised on:

**PROFESSIONAL STAFF SHORT-TERM LEAVES AND ABSENCES**  
***(Family and Medical Leave Notice to Employees)***

**Rights under the Family and Medical Leave Act (FMLA) of 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one (1) year and for at least 1,250 hours over the previous 12 months and if there are at least 50 employees within a 75 mile radius.

**Reasons for Taking Leave**

- Leave must be granted for any of the following reasons:
- To care for the employee’s child after birth or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee’s job.

At the employee’s or employer’s option, certain kinds of *paid* leave may be substituted for unpaid leave and counted against the 12-workweek entitlement.

**Advance Notice and Medical Certification**

The employee may be required to provide advance leave notice and medical certification. Leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days’ advance notice when the leave is “foreseeable.”

- An employer may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the employer’s expense) and fitness-for-duty report to return to work.

**Job Benefits and Protection**

For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.”

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful under FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violation.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state law or local policy which provides greater family or medical leave rights.

For additional information, contact the nearest office of Wage and Hour Divisions, listed in most telephone directories under U.S. Government, Department of Labor.

### **Policy History:**

Adopted on: July 1, 2005

Revised on: January 11, 2006

1 **Gardiner School District**

2  
3 **PERSONNEL**

5329

4  
5 Long-Term Illness/Temporary Disability/Maternity Leave

6  
7 Employees may use sick leave for long-term illness or temporary disability, and, upon the  
8 expiration of sick leave, the Board may grant eligible employees leave without pay if requested.  
9 Medical certification of the long-term illness or temporary disability may be required, at the  
10 Board's discretion.

11  
12 Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage,  
13 childbirth and recovery therefrom. Maternity leave includes only continuous absence  
14 immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or  
15 continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-  
16 related complications. Such leave shall not exceed six (6) weeks unless prescribed by a  
17 physician.

18  
19 Leave without pay arising out of any long-term illness or temporary disability, including  
20 pregnancy, miscarriage, childbirth and recovery therefrom, shall commence only after sick leave  
21 has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as  
22 health and long-term illness or temporary disability plans in the event of maternity leave, shall  
23 apply under the same conditions as other long-term illness or temporary disability leaves.

24  
25 The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil  
26 Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of  
27 applicable law and court rulings in the state of Montana.

28  
29  
30  
31 Legal Reference:      § 49-2-310, MCA      Maternity leave – unlawful acts of employers  
32                              § 49-2-311, MCA      Reinstatement to job following pregnancy-related  
33    leave of absence

34  
35 Policy History:

36 Adopted on:

37 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5329P

4  
5 Long-Term Illness/Temporary Disability/Maternity Leave

6  
7 The following procedures will be used when an employee has a long-term illness or temporary  
8 disability, including maternity:

- 9
- 10 1. When any illness or temporarily disabling condition is “prolonged,” an employee will be  
11 asked by the administration to produce a written statement from a physician, stating that  
12 the employee is temporarily disabled and is unable to perform the duties of his/her  
13 position until such a time.  
14
  - 15 2. Maternity leave will be treated as any other disability. Generally, unless mandated  
16 otherwise by a physician, maternity leave does not exceed six (6) weeks. As a disabling  
17 condition, maternity leave is not available to fathers.  
18
  - 19 3. In the case of any other extended illness, procedures for assessing the probable duration  
20 of the temporary disability will vary. The number of days of disability will vary  
21 according to different conditions, individual needs, and the assessment of individual  
22 physicians. Normally, however, the employee should expect to return on the date  
23 indicated by the physician, unless complications develop which are further certified by a  
24 physician.  
25  
26  
27

28 Procedure History:

29 Promulgated on:

30 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL 5331**

4  
5 Insurance Benefits for Employees

6  
7 Newly hired employees are eligible for insurance benefits offered by the District for the particular  
8 bargaining unit to which an employee belongs. Other employees will be offered benefits  
9 consistent with the District benefit plan, at a rate determined by the board of trustees, with  
10 exceptions noted below:

- 11  
12 1. Classified employees who are employed less than half ( $\frac{1}{2}$ ) time (that is, who are  
13 regularly scheduled to work less than twenty (20) hours per week) will not be eligible  
14 for group health, dental, and life insurance and will not be considered to be a  
15 member of defined employee insurance benefit groups.  
16  
17 2. Any permanent employee who works half ( $\frac{1}{2}$ ) time or more is eligible for group  
18 health and dental insurance, irrespective of the unit to which the employee belongs.  
19 All medical and dental insurance premiums will be prorated in the amount of the full  
20 contract in terms of full-time equivalency multiplied by the District's maximum  
21 contribution as prescribed by the applicable collective bargaining agreement or  
22 Board policy.  
23  
24  
25

26 A medical examination at the expense of the employee may be required, if the employee elects  
27 to join the District health insurance program after initially refusing coverage during the "open  
28 season" (\*August). An eligible employee wishing to discontinue or change health insurance  
29 coverage must initiate the action by contacting the personnel office and completing appropriate  
30 forms.  
31

32 Anniversary dates of the health and dental insurance policies for the District shall be September  
33 1st through August 30th.  
34  
35

36  
37 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers  
38 § 2-18-703, MCA Contributions

39 Policy History:

40 Adopted on: July 1, 2005

41 Reviewed on: 5/11/16

42 Revised on: 6/8/16

1 **Gardiner School District**

2  
3 **PERSONNEL**

5333

4  
5 Holidays

6  
7 Holidays for certified staff are dictated in part by the school calendar. Temporary employees  
8 will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

9  
10 The holidays required for classified staff, by § 20-1-305, MCA, are:

- 11  
12 1. Independence Day  
13 2. Labor Day  
14 3. Thanksgiving Day  
15 4. Christmas Day  
16 5. New Year's Day  
17 6. Memorial Day  
18 7. State and national election days when the school building is used as a polling place and  
19 conduct of school would interfere with the election process.  
20

21 When an employee, as defined above, is required to work any of these holidays, another day  
22 shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in  
23 addition to the employee's regular pay for all time worked on the holiday.  
24

25 When one of the above holidays falls on Sunday, the following Monday will not be a holiday.  
26 When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.  
27

28 When a holiday occurs during a period in which vacation is being taken by an employee, the  
29 holiday will not be charged against the employee's annual leave.  
30

31  
32  
33 Legal Reference: § 20-1-305, MCA School holidays  
34

35 Policy History:

36 Adopted on:

37 Revised on:

1  
2 **Gardiner School District**

3  
4 **PERSONNEL**

5334

5  
6 Vacations

7  
8 Classified and 12-month administrative employees will accrue annual vacation leave benefits in  
9 accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA.

10 Nothing in this policy guarantees approval for granting specific days as annual vacation leave in  
11 any instance. The District will judge each request for vacation in accordance with staffing needs.  
12

13 Employees are not entitled to any vacation leave with pay until they have been continuously  
14 employed for a period of six (6) calendar months.  
15

16 For classified employees who are requested to act in addition to their regular workday  
17 responsibilities, the employee will continue to receive their vacation pay while acting on behalf  
18 of the district.  
19

20 Legal Reference:	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-612, MCA	Rate earned
	§ 2-18-617, MCA	Accumulation of leave – cash for unused – transfer

23

24 Policy History:

25 Adopted on: July 1, 2005

26 Revised on: October 11, 2006, November 14, 2007

**Gardiner School District**

5334P

**PERSONNEL**

page 1 of 2

Vacations

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

RATE-EARNED SCHEDULE

<u>Years of Employment</u>	<u>Working Days Credit per Year</u>
1 day - 10 years	15
10 - 15 years	18
15 - 20 years	21
20 years on	24

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of the District or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

Maximum Accrual of Vacation Leave

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

Annual Pay-Out

The District may, in its sole discretion and/or subject to the terms of a collective bargaining agreement, provide cash compensation in January of each year for unused vacation leave in lieu of the accumulation of vacation leave.

Lump-Sum Payment Upon Termination

An employee who terminates employment for reasons not reflecting discredit on the employee

shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period.

Legal Reference: § 2-18-611 - § 2-18-617, MCA

Procedure History:

Promulgated on:

Revised on:

## PERSONNEL

5336

Compensatory Time and Overtime for Classified Employees

Classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (12) 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 (12) times all hours worked in excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a classified employee. A week is generally defined as 12:00 a.m. Sunday to 11:59 p.m. the following Saturday and will be so understood unless otherwise stated by memorandum specific to a given individual.

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 his or her regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

*NOTE: Please be advised that comp time is not required. If a district adopts a comp time policy, there are basically two (2) types of employees: 1) Those who are covered before the policy was adopted need to be treated on a case-by-case basis, and the agreement to allow comp time must be entered into before the work is performed. 2) Those hired after the policy is in place – the Department of Labor has determined that the employee agreed to the policy. Some experts have said comp time is a credit card, not a savings account. The employee has broad latitude to decide when the time will be taken.*

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5337

4  
5 Workers' Compensation Benefits

6  
7 All employees of the District are covered by workers' compensation benefits. In the event of an  
8 industrial accident, an employee should:

- 9 1. Attend to first aid and/or medical treatment during an emergency;  
10  
11 2. Correct or report as needing correction a hazardous situation as soon as possible after an  
12 emergency situation is stabilized;  
13  
14 3. Report the injury or disabling condition, whether actual or possible, to the immediate  
15 supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational  
16 Injury or Disease; and  
17  
18 4. Call or visit the administrative office after medical treatment, if needed, to complete the  
19 necessary report of accident and injury on an Occupational Injury or Disease form.  
20

21 The administrator will notify the immediate supervisor of the report and will include the  
22 immediate supervisor as necessary in completing the required report.  
23

24 An employee who is injured in an industrial accident may be eligible for workers' compensation  
25 benefits. By law, employee use of sick leave must be coordinated with receipt of workers'  
26 compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation  
27 Division, Department of Labor and Industry.  
28

29 The District will not automatically and simply defer to a report of industrial accident but will  
30 investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions  
31 exist which need to be eliminated; and (2) whether in fact an accident attributable to the District  
32 working environment occurred as reported. The District may require the employee to authorize  
33 the employee's physician to release pertinent medical information to the District or to a  
34 physician of the District's choice, should an actual claim be filed against the Workers'  
35 Compensation Division, which could result in additional fees being levied against the District.  
36

37 An employee who elects to receive worker's compensation benefits will, upon commencement  
38 of benefits, be considered in a leave-without-pay status and will no longer be eligible for District  
39 group insurance benefits except as may be required by the Family Medical Leave Act and to the  
40 extent provided for all employees on leave-without-pay status, i.e., all premiums are due in  
41 advance on a monthly basis for the duration of the leave without pay. The District will  
42 discontinue its contributions for group insurance on behalf of any employee on leave-without-  
43 pay status, at the end of the month in which leave without pay commences.  
44

45 Legal Reference: §§ 39-71-101, et seq., MCA Workers' Compensation Act

46  
47 Policy History:

48 Adopted on:

49 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5338

4  
5 Payment of Interest on Employer Contributions for Workers' Compensation Time

6  
7 An employee absent because of an employment-related injury entitling the employee to workers'  
8 compensation payments may, upon the employee's return to service, contribute to the retirement system  
9 an amount equal to the contributions that would have been made by the employee to the system on the  
10 basis of the employee's compensation at the commencement of the employee's absence plus regular  
11 interest accruing from one (1) year from the date after the employee returns to service to the date the  
12 employee contributes for the period of absence.  
13  
14

15 It is the policy of this District to **not pay** the interest costs associated with the employer's contribution.  
16 The employee must pay this amount.  
17  
18

19 Legal Reference:        §§ 19-3-504, MCA        Absence due to illness or injury.  
20

21 Policy History:

22 Adopted on: November 11, 2009

23 Reviewed on:

24 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL**

5420

4  
5 Teachers' Aides/Paraeducators

6  
7 Teachers' aides/paraeducators, as defined in the appropriate job descriptions, are under the  
8 supervision of a principal and a teacher to whom the principal may have delegated responsibility  
9 for close direction. The nature of the work accomplished by paraeducators will encompass a  
10 variety of tasks that may be inclusive of "limited instructional duties."

11  
12 Paraeducators are employed by the District mainly to assist the teacher. A paraeducator is an  
13 extension of the teacher, who legally has the direct control and supervision of the classroom or  
14 playground and responsibility for control and the welfare of the students.

15  
16 In compliance with applicable legal requirements, the Board shall require all paraeducators with  
17 instructional duties, that are newly hired in a Title I school-wide program, to have:

- 18  
19 1. Completed at least two (2) years of study at an institution of higher education;  
20  
21 2. Obtained an Associate's or higher degree; or  
22  
23 3. Met a rigorous standard of quality, and can demonstrate through a formal state or local  
24 academic assessment the knowledge of and ability to assist in the instruction of reading,  
25 writing, or mathematics or the instruction of readiness of these subjects.  
26

27 Paraeducators hired before January 8, 2002, have until January 1, 2006, to meet these standards.  
28

29 It is the responsibility of each principal and teacher to provide adequate training for a  
30 paraeducator. This training should take into account the unique situations in which a  
31 paraeducator works and should be designed to cover the general contingencies that might be  
32 expected to pertain to that situation. During the first thirty (30) days of employment, the  
33 supervising teacher or administrator shall continue to assess the skills and ability of the  
34 paraeducator to assist in reading, writing, and mathematics instruction.  
35

36 The Superintendent shall develop and implement procedures for an annual evaluation of  
37 teachers' aides/paraeducators. Evaluation results shall be a factor in future employment  
38 decisions.  
39

40  
41 Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001  
42

43 Policy History:

44 Adopted on:

45 Revised on:

## **Gardiner School District**

### **Automated External Defibrillators (AED)**

#### **Program of Use**

The AED is placed on the wooden gymnasium beam to the right of the entrance doors to the gymnasium directly across from the concessions stand.

All Gardiner School Staff Members are trained in its use and authorized to operate the AED

The AED's use will be coordinated with the Gateway Hose Company Number One and the Yellowstone National Park's emergency medical service provider.

Medical supervision will be provided by the Gardiner School Nurse.

Maintenance will be performed on the AED by the Gardiner School Maintenance Staff or the Yellowstone National Park emergency medical provider staff.

Records of battery strength and the operational use of the AED will be maintained by the Gardiner School maintenance staff.

Reports that will be made of the AED use will be maintained by the principal.

The Park County Nurse assigned to the Gardiner School District will provide medical supervision of the AED program.

1 **Gardiner School District**

2  
3 **PERSONNEL**

5430

4  
5 Volunteers

6  
7 The District recognizes the valuable contributions made to the total school program by members  
8 of the community who act as volunteers. A volunteer by law is an individual who:

- 9  
10 1. Has not entered into an express or implied compensation agreement with the District;  
11  
12 2. Is excluded from the definition of “employee” under appropriate state and federal  
13 statutes;  
14  
15 3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and  
16  
17 4. Is not employed by the District in the same or similar capacity for which he/she is  
18 volunteering.  
19

20 District employees who work with volunteers shall clearly explain duties for supervising  
21 children in school, on the playground, and on field trips. An appropriate degree of training  
22 and/or supervision of each volunteer shall be administered commensurate with the responsibility  
23 undertaken.  
24

25 Volunteers who have unsupervised access to children are subject to the District’s policy  
26 mandating background checks.  
27  
28  
29

30 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

31  
32 Policy History:

33 Adopted on:

34 Revised on:

1 **Gardiner School District**

2  
3 **PERSONNEL**

5440

4  
5 Student Teachers/Interns

6  
7 The District recognizes its obligation to assist in the development of members of the teaching  
8 profession. The District shall make an effort to cooperate with accredited institutions of higher  
9 learning in the education of student teachers and other professionals in training (such as interns)  
10 by providing a reasonable number of classroom and other real-life situations each year.

11  
12 The District and the respective training institutions shall enter into mutually satisfactory  
13 agreements whereby the rules, regulations, and guidelines of the practical experiences shall be  
14 established.

15  
16 The Superintendent shall coordinate all requests from cooperating institutions for placement with  
17 building principals so that excessive concentrations of student teachers and interns shall be  
18 avoided. As a general rule:

- 19  
20 (1) A student teacher shall be assigned to a teacher or other professional who has agreed to  
21 cooperate and who has no less than three (3) years of experience in the profession;  
22  
23 (2) A supervising professional shall be assigned no more than one (1) student teacher/intern  
24 per school year;  
25  
26 (3) The supervising professional shall remain responsible for the class;  
27  
28 (4) The student teacher shall assume the same conditions of employment as a regular teacher  
29 with regard to meeting the health examination requirements, length of school day,  
30 supervision of co-curricular activities, staff meetings, and in-service training; and  
31  
32 (5) The student teacher shall be subject to the District policy regarding background checks, if  
33 the student teacher has unsupervised access to children.  
34  
35  
36

37 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

38  
39 Legal Reference: § 20-4-101(2) and (3), MCA System and definitions of teacher and  
40 specialist certification – student teacher  
41 exception  
42

43 Policy History:

44 Adopted on:

45 Revised on:

**Gardiner School District**

**PERSONNEL**

5450

Employee Electronic Mail and On-Line Services Usage

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 owned by the District and are intended to be used for educational purposes only. While occasional personal use is allowed, employees have no expectation of privacy when using the electronic mail or Internet systems for any purpose.

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

1 contains information discoverable in litigation and to access district information in the  
2 employee's absence. E-mail/ Internet messages by employees may not necessarily reflect the  
3 views of the District.  
4

5 Except as provided herein, district employees are prohibited from accessing another employee's  
6 electronic mail without the expressed consent of the employee. All district employees should be  
7 aware that electronic mail messages can be retrieved even if they have been deleted and that  
8 statements made in electronic mail communications can form the basis of various legal claims  
9 against the individual author or the district.  
10

11 Electronic mail sent or received by the district or the district's employees may be considered a  
12 public record subject to public disclosure or inspection. All district electronic mail and Internet  
13 communications may be monitored.  
14  
15  
16  
17  
18

19 Policy History:

20 Adopted on: July 1, 2005

21 Reviewed on: March 12, 2008

22 Revised on: April 9, 2008

# Gardiner Public Schools

## PERSONNEL

5460

### Electronic Resources and Social Networking

The Gardiner School District recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. The District also believes that students need to be proficient users of information, media, and technology to succeed in a digital world.

Public school employees are held to a high standard of behavior. The Montana Department of Education *Professional Educators of Montana Code of Ethics* requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The District encourages all staff to read and become familiar with the Code of Ethics.

Therefore, the Gardiner School District will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is the District's goal to provide students with rich and ample opportunities to use technology for important purposes in schools just as individuals in workplaces and other real-life settings. The District's technology will enable educators and students to communicate, learn, share, collaborate and create, to think and solve problems, to manage their work and to take ownership of their lives.

The School Board discourages district staff from socializing with students on social networking websites (during school or out-of-school). Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability.

Specifically, the following forms of technology based interactivity or connectivity are expressly forbidden:

- *Text messaging students outside of school related business;*
- *Emailing students other than through and to school controlled and monitored accounts;*
- *Sharing personal information with students through social networking sites.*

Specifically, the following forms of technology based interactivity or connectivity are permitted:

- *Creation of administratively approved and sanctioned "groups" on social networking sites that permit the broadcast of information without granting students access to staff member's personal information;*
- *Text messaging students as part of school related functions or athletics;*
- *Emailing students through school controlled and monitored accounts;*

1 What in other mediums of expression could remain private opinions, when expressed by staff on  
2 a social networking website, have the potential to be disseminated far beyond the speaker's  
3 desire or intention, and could undermine the public perception of fitness of the individual to  
4 educate students, and thus undermine teaching effectiveness. In this way, the effect of the  
5 expression and publication of such opinions could potentially lead to disciplinary action being  
6 taken against the staff member, up to and including termination or nonrenewal of the contract of  
7 employment.

8  
9 Accessing social networking websites for individual use during school hours is prohibited, unless  
10 asked to do so by administration. Except in an emergency situation, staff shall not access social  
11 networking sites using district equipment or personal equipment, including during breaks or  
12 preparation periods. All school district employees who participate in social networking websites,  
13 shall not post any school district data, documents, photographs, logos, or other district owned or  
14 created information on any website. Further, the posting of any private or confidential school  
15 district material on such websites is strictly prohibited.

16  
17 The Board directs the Superintendent or his/her designee to create strong electronic educational  
18 systems that support innovative teaching and learning, to provide appropriate staff development  
19 opportunities and to develop procedures to support this policy.

20  
21  
22 Cross Reference:                   5015                   Bullying/Harassment/Intimidation  
23                                       5223                   Personal Conduct  
24                                       5255                   Disciplinary Action  
25                                       *Professional Educators of Montana Code of Ethics*

26  
27 Policy History:

28 Adopted on: 8/12/15

29 Reviewed on:

30 Revised on:



1 **Gardiner School District**

2  
3 **PERSONNEL**

5500

4  
5 Payment of Wages Upon Termination

6  
7 When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next  
8 regular pay day for the pay period in which the employee left employment or within fifteen (15)  
9 days, whichever occurs first.

10  
11 In the case of an employee discharged for allegations of theft connected to the employee's work,  
12 the District may withhold the value of the theft, provided:

13  
14 ! The employee agrees in writing to the withholding; or

15  
16 ! Charges have been filed with law enforcement within seven (7) days of separation.

17  
18 If no charges are filed within fifteen (15) days of the filing of a report with law enforcement,  
19 wages are due within a fifteen-(15)-day period.

20  
21  
22  
23 Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from  
24 employment prior to payday – exceptions

25  
26 Policy History:

27 Adopted on:

28 Revised on:

## PERSONNEL

5510

page 1 of 5

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

5510

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 follows as \_\_\_\_F or 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 disciplined, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes.

An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- ! The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- ! Documents containing PHI are kept in a restricted/locked area.
- ! Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- ! Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- ! 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

1  
2 on health information received from the group health plan. To the extent possible, the District  
3 has separated the plan operations functions from the employment functions and has safeguards in  
4 place to prevent PHI from the plan from going to or being used by an employee's supervisor,  
5 manager, or superior to make employment-related decisions.  
6

#### 7 Complaints

8

9 If an employee believes their privacy rights have been violated, they may file a written complaint  
10 with the Privacy Officer. No retaliation will occur against the employee for filing a complaint.  
11 The contact information for the Privacy Officer is:  
12

13 District Clerk  
14 Gardiner School District  
15 510 Stone St.  
16 Gardiner, MT 59030  
17  
18  
19

#### 20 Policy History:

21 Adopted on:

22 Revised on:

1 **Gardiner School District**

3 **ADMINISTRATION**

6000

5 Goals

7 The administrative staff's primary functions are to manage the District and to facilitate the  
8 implementation of a quality educational program. It is the goal of the Board that the  
9 administrative organization:

- 11 1. Provide for efficient and responsible supervision, implementation, evaluation, and  
12 improvement of the instructional program, consistent with the policies established by the  
13 Board;
- 15 2. Provide effective and responsive communication with staff, students, parents, and other  
16 citizens; and
- 18 3. Foster staff initiative and rapport.

20 The District's administrative organization will be designed so that all divisions and departments  
21 of the District are part of a single system guided by Board policies implemented through the  
22 Superintendent. Principals and other administrators are expected to administer their facilities in  
23 accordance with Board policy and the Superintendent's rules and procedures.

27 Policy History:

28 Adopted on:

29 Revised on:

1 **Gardiner School District**

2  
3 **ADMINISTRATION**

6001

4  
5 Code of Ethics for Administrators

6  
7 Administrators of Gardiner Public School will strive to improve public education and, to that  
8 end, will:

- 9  
10 1. Make the well-being of students the fundamental value in all decision making and  
11 actions;  
12  
13 2. Fulfill professional responsibilities with honesty and integrity;  
14  
15 3. Support the principle of due process and protect the civil and human rights of all  
16 individuals;  
17  
18 4. Obey local, state, and national laws and not knowingly join or support organizations that  
19 directly or indirectly advocate overthrow of the government;  
20  
21 5. Implement Board policies and administrative regulations;  
22  
23 6. Pursue appropriate measures to correct those laws, policies, and regulations inconsistent  
24 with sound educational goals;  
25  
26 7. Avoid using positions for personal gain through political, social, religious, economic, or  
27 other influence;  
28  
29 8. Accept academic degrees or other professional certification only from duly accredited  
30 institutions;  
31  
32 9. Maintain the standards and seek to improve effectiveness of the profession through  
33 research and continuing professional development; and  
34  
35 10. Honor all contracts until fulfillment or release.  
36  
37  
38

39 Reference: NASSP Code of Ethics for Administrators, 1973

40  
41 Policy History:

42 Adopted on:

43 Revised on:



**ADMINISTRATION**

6110

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 hold a valid administrative certificate with superintendent's endorsement issued by the State Certification Board.

When the Superintendent position becomes vacant, the Board will conduct a search to find the most capable person for the position. Qualified staff members who apply for the position will be considered for the vacancy.

Evaluation

At least annually the Board will evaluate the performance of the Superintendent, using standards and objectives developed by the Superintendent and 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

Policy History:

Adopted on:

Revised on:

**ADMINISTRATION**

6110P

page 1 of 2

Superintendent

**The Board shall:**

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 construction, remodeling, or major maintenance.

**The Superintendent shall:**

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.

**The Board shall:**

Approve payment of vouchers and payroll.

Approve proposed major changes of school plant and facilities.

Approve collective bargaining agreements.

Assure that appropriate criteria and processes for evaluating staff are in place.

Appoint citizens and staff to serve on special Board committees, if necessary.

Conduct regular meetings.

Serve as final arbitrator for staff, citizens, and students.

Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.

Authorize the ongoing professional enrichment of its administrative leader, as feasible.

Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.

**The Superintendent shall:**

Recommend payment of vouchers and payroll.

Prepare reports regarding school plant and facilities needs.

Supervise negotiation of collective bargaining agreements.

Establish criteria and processes for evaluating staff.

Recommend formation of *ad hoc* citizens= committees.

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.

Inform the Board of appeals and implement any such forthcoming Board decisions.

Respond and take action on all criticism, complaints, and suggestions, as appropriate.

Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.

Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

**NOTE: A copy of the Superintendent=s evaluation may be included.**

**Procedure History:**

Promulgated on:

Revised on:

1 **Gardiner School District**

2  
3 **ADMINISTRATION**

6121

4  
5 District Organization

6  
7 The Superintendent shall develop an organizational chart indicating the channels of authority and  
8 reporting relationships for school personnel to be presented to the Board for approval. These  
9 channels should be followed, and no level should be bypassed, except in unusual circumstances.

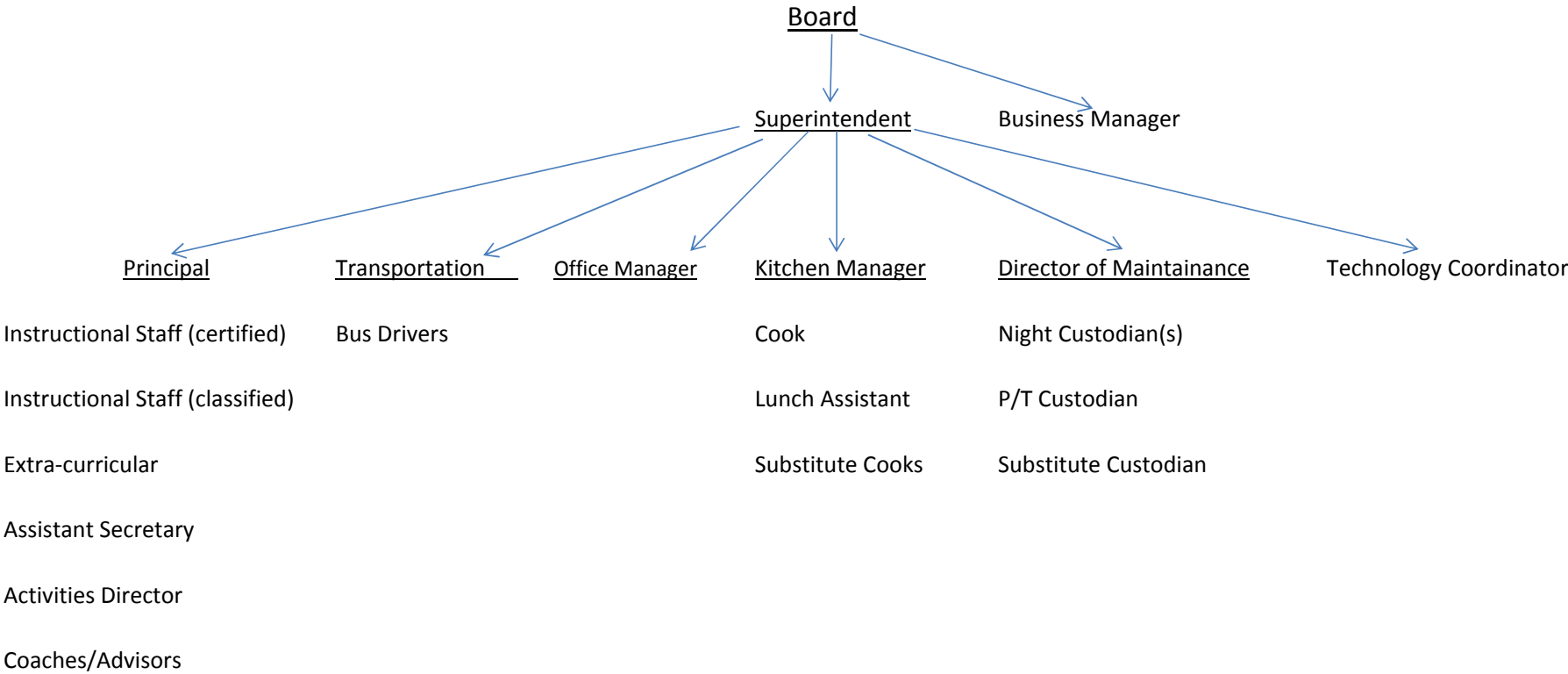
10  
11 The organization of District positions of employment for purposes of supervision, services,  
12 leadership, administration of Board policy, and all other operational tasks shall be on a "line and  
13 staff" basis. District personnel occupying these positions of employment shall carry out their  
14 duties and responsibilities on the basis of line and staff organization.

15  
16  
17  
18 Policy History:

19 Adopted on:

20 Revised on: 2/13/13

DISTRICT ORGANIZATIONAL CHART



1 **Gardiner School District**

2  
3 **ADMINISTRATION**

6122

4  
5 Delegation of Authority

6  
7 Unless otherwise specified, the Superintendent has the authority to designate a staff member to  
8 serve in an official capacity for the implementation of District policies or as his/her personal  
9 representative. This authorization will include those responsibilities appropriate for the position  
10 as designated or directed by the Superintendent.  
11  
12  
13

14 Policy History:

15 Adopted on:

16 Revised on:

1 **Gardiner School District**

2  
3 **ADMINISTRATION**

6130

4  
5 Assignment and Transfer of Administrative Staff

6  
7 Administrative staff are responsible to the Board, through the Superintendent. The assignment  
8 of administrative staff will be in accordance with the organizational chart of the District.

9  
10 Subject to approval of the trustees, the Superintendent will have authority to reorganize and/or  
11 rearrange the specific responsibilities of administrative and supervisory staff in a manner that  
12 will provide for effective operation of the District. The Superintendent will, in considering any  
13 assignment or transfer, base a decision on factors such as the desired performance and/or  
14 expectations inherent in the position, the staff member=s background and preparation, the staff  
15 member=s past performance, impact on other facets of District operations, and District needs.

16  
17 Administrative staff members will be notified as soon as possible about any change in  
18 assignment. Nothing in this policy will prevent the Superintendent from reassigning an  
19 administrative staff member during the school year.

20  
21  
22  
23 Legal Reference: ' 20-4-203, MCA Teacher tenure  
24 ' 20-4-204, MCA Termination of tenure teacher services

25  
26 Policy History:

27 Adopted on:

28 Revised on:

2  
3 **ADMINISTRATION**

6140

4  
5 Duties and Qualifications of Administrative Staff Other Than Superintendent

6  
7 Duty and Authority

8  
9 As authorized by the Superintendent, administrative staff will have full responsibility for day-to-  
10 day administration of the area to which they are assigned. Administrative staff are governed by  
11 Board policies and are responsible for implementing administrative procedures relating to their  
12 assigned responsibilities.

13  
14 Each administrator=s duties and responsibilities will be set forth in a job description for that  
15 particular position.

16  
17 Qualifications

18  
19 All administrative personnel must hold valid administrators= certificates with appropriate  
20 endorsements, issued by the State Certification Board, and must meet other qualifications as  
21 specified in their position=s job description.

22  
23 Administrative Work Year

24  
25 The administrators= work year will correspond with the District=s fiscal year, unless otherwise  
26 stated in an employment agreement. In addition to legal holidays, the administrators will have  
27 vacation periods as approved by the Superintendent.

28  
29 Compensation and Benefits

30  
31 Administrators will receive compensation and benefits as stated in their employment agreements.

32  
33  
34  
35 Legal Reference: ' 20-4-401, MCA Appointment and dismissal of district  
36 superintendent or county high school principal  
37 ' 20-4-402, MCA Duties of district superintendent or county high  
38 school principal  
39 10.55.701, ARM Board of Trustees  
40

41 Policy History:

42 Adopted on:

43 Revised on:



2  
3 **ADMINISTRATION**

6210

4  
5 Principals

6  
7 Principals are the chief administrators of their assigned schools. The primary responsibility of  
8 Principals is the development and improvement of instruction. The majority of the Principals=  
9 time shall be spent on curriculum and staff development through formal and informal activities,  
10 establishing clear lines of communication regarding the school rules, accomplishments,  
11 practices, and policies with parents and teachers. Principals are responsible for management of  
12 their staff, maintenance of the facility and equipment, administration of the educational program,  
13 control of the students attending the school, management of the school=s budget, and  
14 communication between the school and the community. Principals will be evaluated on their  
15 instructional leadership ability and their ability to maintain a positive education and learning  
16 environment.

17  
18  
19  
20 Legal Reference: ' 20-4-403, MCA Powers and duties of principal  
21 10.55.701, ARM Board of Trustees  
22

23 Policy History:

24 Adopted on:

25 Revised on:

1   **Gardiner School District**

2  
3   **ADMINISTRATION**

6310

4  
5   Internships

6  
7   The Board recognizes the need to provide training opportunities for prospective administrators.  
8   Internships for those in the process of acquiring administrative credentials shall be considered  
9   and approved on an individual basis. The Superintendent or designee and the District  
10   administrator involved will review the internship proposal with the candidate and the university  
11   representative, much in the same manner as student teachers are assigned.  
12  
13  
14

15   Policy History:

16   Adopted on:

17   Revised on:

2  
3 **ADMINISTRATION**

6410

4  
5 Evaluation of Administrative Staff

6  
7 Each administrator will be evaluated annually, in order to provide guidance and direction to the  
8 administrator in the performance of his/her assignment. Such evaluation will be based on job  
9 descriptions, accomplishment of annual goals and performance objectives, and established  
10 evaluative criteria.

11  
12 The Superintendent shall establish procedures for the conduct of these evaluations. Near the  
13 beginning of the school year, the Superintendent shall inform the administrator of the criteria to  
14 be used for evaluation purposes, including the adopted goals for the District. Such criteria shall  
15 include performance statements dealing with leadership; administration and management; school  
16 financing; professional preparation; effort toward improvement; interest in students, staff,  
17 citizens, and programs; and staff evaluation.

18  
19 Both the evaluator and the administrator involved in the evaluation will sign the written  
20 evaluation report and retain a copy for their records. A person being evaluated has the right to  
21 submit and attach a written statement to the evaluation within a reasonable time following the  
22 evaluation conference.

23  
24  
25  
26 Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than  
27 Superintendent

28  
29 Legal Reference: 10.55.701, ARM Board of Trustees

30  
31 Policy History:

32 Adopted on:

33 Revised on:

1 **Gardiner School District**

2  
3 **ADMINISTRATION**

6420

4  
5 Professional Growth and Development

6  
7 The Board recognizes that training and study for administrators contribute to skill development  
8 necessary to better serve the District's needs. Each year the Superintendent should develop an  
9 administrative in-service program based on the needs of the District, as well as the needs of  
10 individual administrators.

11  
12 Administrative staff are encouraged to be members of and participate in professional  
13 associations which have as their purposes the upgrading of school administration and the  
14 continued improvement of education in general.

15  
16  
17  
18 Legal Reference: § 20-1-304, MCA Pupil-instruction-related day

19  
20 Policy History:

21 Adopted on:

22 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7000

4  
5 Goals

6  
7 Because educational programs are dependent on adequate funding and the proper management of  
8 those funds, District goals can best be attained through efficient fiscal management. As trustee  
9 of local, state, and federal funds allocated for use in public education, the Board shall fulfill its  
10 responsibility to see that funds are used to achieve the intended purposes.

11  
12 Because of resource limitations, fiscal concerns often overshadow the educational program.  
13 Recognizing this, the District must take specific action to ensure that education remains primary.  
14 This concept shall be incorporated into Board operations and into all aspects of District  
15 management and operation.

16  
17 The Board seeks to achieve the following goals in the District=s fiscal management:

- 18  
19 1. Engage in advance planning, with staff and community involvement, to develop budgets  
20 which will achieve the greatest educational returns in relation to dollars expended.  
21  
22 2. Establish levels of funding which shall provide superior education for District students.  
23  
24 3. Provide timely and appropriate information to staff who have fiscal responsibilities.  
25  
26 4. Establish efficient procedures in all areas of fiscal management.  
27  
28  
29

30 Legal Reference: Title 20, Chapter 9, MCA Finance

31  
32 Policy History:

33 Adopted on:

34 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7110

4  
5 Budget and Program Planning

6  
7 The annual budget is evidence of the Board=s commitment to the objectives of the instruction  
8 programs. The budget supports immediate and long-range goals and established priorities within  
9 all areas B instructional, noninstructional, and administrative programs.

10  
11 Before presentation of a proposed budget for adoption, the Superintendent and business manager  
12 will prepare, for the Board=s consideration, recommendations (with supporting documentation)  
13 designed to meet the needs of students, within the limits of anticipated revenues.

14  
15 Program planning and budget development will provide for staff participation and the sharing of  
16 information with patrons before any action by the Board.

17  
18  
19  
20 Policy History:

21 Adopted on:

22 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7121

4  
5 Budget Adjustments

6  
7 When any budgeted fund line item is in excess of the amount required, the Board may transfer  
8 any of the excess appropriation to another line item(s) within the same fund.

9  
10 The Board authorizes the administration to transfer line items within the same budgeted fund to  
11 adjust line item overdrafts or to meet special line item needs. Line item budget transfers to  
12 adjust line item overdrafts are at the discretion of the administrators.

13  
14 Total budget expenditures for each fund as adopted in the final budget shall constitute the  
15 appropriations of the District for the ensuing fiscal year. The Board will be limited in the  
16 incurring of expenditures to the total of such appropriations.

17  
18 With timely notice of a public meeting, trustees, by majority vote of those present, may declare  
19 by resolution that a budget amendment (in addition to the final budget) is necessary. Budget  
20 amendments are authorized for specified reasons by ' 20-9-161, MCA. The resolution will state  
21 the facts of the budget amendment, the estimated amount of funds needed, and the time and place  
22 the Board will meet for the purpose of considering and adopting a budget amendment.

23  
24 The meeting to adopt a budget amendment will be open and will provide opportunity for any  
25 taxpayer to appear and be heard. Budget procedures will be consistent with statutory  
26 requirements. When applicable, the District will apply for state financial aid to supplement the  
27 amount to be collected from local taxes.

28  
29 Legal Reference: ' 20-9-133, MCA Adoption and expenditure limitations of final  
30 budget  
31 ' 20-9-161, MCA Definition of budget amendment for budgeting  
32 purposes  
33 ' 20-9-162, MCA Authorization for budget amendment adoption  
34 ' 20-9-163, MCA Resolution for budget amendment B petition to  
35 superintendent of public instruction  
36 ' 20-9-164, MCA Notice of budget amendment resolution  
37 ' 20-9-165, MCA Budget amendment limitation, preparation, and  
38 adoption procedures  
39 ' 20-9-166, MCA State financial aid for budget amendments  
40 ' 20-9-208, MCA Transfers among appropriation items of fund B  
41 transfers from fund to fund

42  
43 Policy History:

44 Adopted on:

45 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7210

4  
5 Revenues

6  
7 The District will seek and utilize all available sources of revenue for financing its educational  
8 programs, including revenues from non-tax, local, state, and federal sources. The District will  
9 properly credit all revenues received to appropriate funds and accounts as specified by federal  
10 and state statutes and accounting and reporting regulations for Montana school districts.

11  
12 The District will collect and deposit all direct receipts of revenues as necessary but at least once  
13 monthly. The District will make an effort to collect all revenues due from all sources, including  
14 but not limited to, rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible  
15 checks may be turned over to the county attorney for collection.  
16  
17  
18

19 Legal Reference: ' 20-9-303, MCA Nonisolated school BASE budget funding B special  
20 education funds

21  
22 Policy History:

23 Adopted on:

24 Revised on:



1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7231

4  
5 Federal Impact Funds

6  
7 The Board of Trustees recognizes the benefits to the District of applying for Federal Impact Aid  
8 funds, which are available through Title VIII to supplement taxes and other revenue sources. As  
9 a condition of applying for Federal Impact Aid Funds, the District will comply with all Title VIII  
10 requirements, including seeking the input of the parents of eligible children.

11  
12 “Eligible children” shall include those children residing on Indian lands, military bases, low-rent  
13 housing properties, and other federal properties and those children whose parents are in the  
14 uniformed services or employed on eligible federal properties who do not live on federal  
15 property.

16  
17 Advisory Consultation and Input

18  
19 As part of the annual review of school programming and prior to the annual budget review  
20 meeting of the Board of Trustees, the District shall seek the advisory consultation and input of  
21 parents of eligible children to assist in planning and development of programs and activities.  
22 The Board will afford the parents of eligible children the opportunity to present  
23 recommendations on the needs of eligible children and how the District may help the children  
24 realize the benefits of the Federal Impact Aid funding. A record of this input and consultation  
25 shall be retained, including, documentation of all recommendations, dates of hearings or  
26 meetings held, and names and addresses of parents attending.

27  
28 Use of Federal Impact Aid

29  
30 Federal Impact Aid is to be used to supplement education programs for all students enrolled in  
31 the District, regardless of whether they qualify as eligible children. Such funds may be used in  
32 the sound discretion of the Board.

33  
34  
35  
36 Legal Reference: 20 USC 7704 The Impact Aid Program Statute (Title VIII of the  
37 Elementary and Secondary Education Act of 1965)

38  
39 Policy History:

40 Adopted on:

41 Revised on:

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Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7260

4  
5 Endowments, Gifts, and Investments

6  
7 The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions  
8 imposed by the donor. Endowments received by the District will be deposited to an endowment  
9 fund as an expendable or non-expendable trust. Neither the Board nor the Superintendent will  
10 approve any gifts that are inappropriate. Unless conditions of an endowment instrument require  
11 immediate disbursement, the Board will invest money deposited in the endowment fund  
12 according to the provisions of the Uniform Management of Institutional Funds Act (Title 72,  
13 chapter 30, MCA).

14  
15 The Board authorizes the Superintendent to establish procedures for determining the suitability  
16 or appropriateness of all gifts received and accepted by the District.

17  
18 **Educational foundations which seek to promote, enhance, and enable educational**  
19 **opportunities and school improvement activities in the District may solicit and receive tax-**  
20 **deductible funds from donors. Educational foundations may be sanctioned by the Board**  
21 **but not managed or directed by it. The Board may appoint non-voting advisors to the**  
22 **foundation board if the bylaws of the foundation permit that action.**

23  
24 The Board directs that all school funds be invested in a prudent manner so as to achieve  
25 maximum economic benefit to the District. Funds not needed for current obligations may be  
26 invested in investment options as set out in Montana statutes, whenever it is deemed  
27 advantageous for the District to do so.

28  
29  
30  
31 Legal Reference:       ' 20-6-601, MCA       Power to accept gifts  
32                               ' 20-7-803, MCA       Authority to accept gifts  
33                               ' 20-9-212, MCA       Duties of county treasurer  
34                               ' 20-9-213(4), MCA   Duties of trustees  
35                               ' 20-9-604, MCA       Gifts, legacies, devises, and administration of  
36   endowment fund

37  
38 Policy History:

39 Adopted on:

40 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7310

4  
5 Budget Implementation and Execution

6  
7 Once adopted by the Board, the operating budget shall be administered by the Superintendent=s  
8 designees. All actions of the Superintendent/designees in executing programs and/or activities  
9 delineated in that budget are authorized according to these provisions:

- 10  
11 1. Expenditure of funds for employment and assignment of staff shall meet legal  
12 requirements of the State of Montana and adopted Board policies.  
13  
14 2. Funds held for contingencies may not be expended without Board approval.  
15  
16 3. A listing of warrants describing goods and/or services for which payment has been made  
17 must be presented for Board ratification each month.  
18  
19 4. Purchases will be made according to the legal requirements of the State of Montana and  
20 adopted Board policy.  
21  
22  
23

24 Legal Reference: ' 20-3-332, MCA Personal immunity and liability of trustees  
25 ' 20-9-213, MCA Duties of trustees  
26

27 Policy History:

28 Adopted on:

29 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7320

page 1 of 2

4  
5 Purchasing

6  
7 Authorization and Control

8  
9 The Superintendent is authorized to direct expenditures and purchases within limits of the  
10 detailed annual budget for the school year. The Board must approve purchase of capital outlay  
11 items, when the aggregate total of a requisition exceeds Fifteen Thousand Dollars (\$15,000),  
12 except the Superintendent shall have the authority to make capital outlay purchases without  
13 advance approval when necessary to protect the interests of the District or the health and safety  
14 of staff or students. The Superintendent will establish requisition and purchase order procedures  
15 to control and maintain proper accounting of expenditure of funds. Staff who obligate the  
16 District without proper authorization may be held personally responsible for payment of such  
17 obligations.  
18

19 Bids and Contracts

20  
21 Whenever the cost of any supplies, equipment, or work shall exceed Fifty Thousand Dollars  
22 (\$50,000), the District will call for formal bids by issuing public notice as specified in statute.  
23 Specifications will be prepared and made available to all vendors interested in submitting a bid.  
24 The contract shall be awarded to the lowest responsible bidder, except that the trustees may  
25 reject any or all bids. The Board, in making a determination as to which vendor is the lowest  
26 responsible bidder, will take into consideration not only the amount of each bid, but will also  
27 consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to  
28 promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply  
29 to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a  
30 physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a  
31 consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an  
32 accountant licensed under Title 37, Chapter 50.  
33

34 Advertisement for bid must be made once each week for two (2) consecutive weeks, and a  
35 second (2<sup>nd</sup>) publication must be made not less than five (5) nor more than twelve (12) days  
36 before consideration of bids.  
37

38 The Superintendent will establish bidding and contract-awarding procedures. Bid procedures  
39 will be waived only as specified in statute. Any contract required to be let for bid shall contain  
40 language to the following effect:  
41

42 *In making a determination as to which vendor is the lowest responsible bidder, if*  
43 *any, the District will take into consideration not only the pecuniary ability of a*  
44 *vendor to perform the contract, but will also consider the skill, ability, and*  
45 *integrity of a vendor to do faithful, conscientious work and promptly fulfill the*  
46

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*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. Such contracts must be awarded to the lowest responsible bidder, except that the trustees may reject all bids.

Legal Reference:	" 18-1-101, et seq., MCA	Public Contracts
	" 18-1-201, et seq., MCA	Bid Security
	' 20-9-204, MCA	Conflicts of interest, letting contracts, and calling for bids
	<i>Debcon v. City of Glasgow</i> , 305 Mont. 391 (2001)	

#### Policy History:

Adopted on: July 1, 2005

Revised on: November 10, 2010

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

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page 1 of 3

4  
5 Purchasing: Bids and Contracts

6  
7 The following procedures will be in effect for purchasing through the bidding process:

- 8
- 9 1. Formal bids will be opened at the time and place stated in the official advertisement for  
10 bids, and any interested member of the public may attend the bid opening. It will be the  
11 bidder=s sole responsibility to see that his/her bid is delivered to the District prior to the  
12 time set for opening bids. Any bid received after the time set for opening bids will be  
13 returned to the bidder unopened and will receive no consideration by the District.  
14
  - 15 2. Formal bid tabulation will be presented at the next Board meeting.
  - 16
  - 17 3. Bid awards will be made by the Board in consideration of staff recommendations.  
18
  - 19 4. Brand names and manufacturers= catalog numbers used in specifications are for purpose  
20 of identification and to establish a standard of quality. Bids on equal items will be  
21 considered, providing the bidder specifies brand and model and furnishes descriptive  
22 literature. Acceptance of alternative Aequal@ items will be conditioned on the District=s  
23 inspection and testing after receipt. If not found to be equal, the material will be returned  
24 at the seller=s expense, and the contract will be canceled. In circumstances where only  
25 one (1) brand will fulfill all requirements, only that brand name will be specified.  
26
  - 27 5. The District will reserve the right to reject any or all bids, waive any formalities, and  
28 make the award in its best interest.  
29
  - 30 6. On construction projects the bidder will include a notarized statement agreeing to comply  
31 with prevailing wage and affirmative action requirements and will provide a performance  
32 bond.  
33
  - 34 7. The Superintendent or designee may solicit bids by telephone and/or written quotation  
35 for furniture, equipment, and supplies which have an estimated cost of less than Fifteen  
36 Thousand Dollars (\$15,000). At least three (3) telephone or written bids will be secured  
37 prior to the date established by the Superintendent. All telephone quotations must be  
38 confirmed in writing within seven (7) days in order to constitute a valid quotation.  
39
  - 40 8. For maintenance or improvement projects estimated to cost in excess of Fifteen  
41 Thousand Dollars (\$15,000), the Superintendent or his/her designee will advertise for  
42 bids in the manner described below.  
43

44 The following steps will be employed to engage a contract for work projects:  
45  
46

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- a. Written specifications will be prepared describing work to be completed and materials to be used, completion date, contractor=s assurances (prevailing wages, fair employment, etc.), bid and performance bond requirements, opportunity to visit the work site, closing date, and bid form;
- b. Public notice will be made in accordance with state statute, which notice includes a description of the project and the process to follow in acquiring project specifications;
- c. After the closing time, bids will be opened, recorded, and made available for inspection or telephone inquiry.
- d. The Board will award the contract to the lowest responsible bidder, provided that the resident bidder is not more than three percent (3%) higher than the lowest responsible bidder who is not a resident of Montana.

The following factors will be considered in determining the lowest responsible bidder:

- a. Ability, capacity, and skill of bidder to perform work required;
  - b. Character, integrity, reputation, judgment, experience, and efficiency of bidder;
  - c. Ability of bidder to perform the work in the time specified;
  - d. Quality of performance of previous contracts or service;
  - e. Bidder=s previous and existing compliance with law relating to public works; and
  - f. Such other information related to performance of the contract, as the Superintendent deems advisable;
9. An acceptable bid or offer and a District purchase order will constitute the only contract necessary for purchase of supplies, equipment, and minor repairs or construction projects, except the successful bidder will meet all conditions included in the specifications.
  10. Formal written contracts will be prepared for all major construction and repair projects. Each contract awarded by the District will specify that in all instances products manufactured or produced by Montana industry and labor will be preferred for use in all projects and in all materials, supplies, and equipment procured, if such products, materials, equipment, and supplies are comparable in price and quality. Failure to comply will disqualify such contractor for future contracts for a period of two (2) years. Such contracts will be signed by the Superintendent on behalf of the District, after the contracts



have been awarded by a majority vote of the Board with action recorded in the minutes of the Board meeting. All contracts will provide that in the event of a suit by the District to enforce the terms of the contract, venue for the suit will be in the county in which the District is located, and if the District is successful in the suit, the court may order reimbursement of the District=s attorney=s fees and court costs in such amount as the court deems reasonable.

Purchasing Procedures for Maintenance, Operations, and Support Services Department

The following procedures will be in effect for purchase of materials, supplies, services, repairs, consulting, and other purchases necessary to operate the Maintenance, Operations, and Support Services Department:

1. Expenditures under Fifteen Thousand Dollars (\$15,000):

All expenditures for labor or materials under Fifteen Thousand Dollars (\$15,000) will be authorized by a work order. The purpose of the work-order system is to allow gathering of expenditures by project and management of funds on a project-by-project basis.

Procedure History:

Promulgated on:

Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7325

4  
5 Accounting System Design

6  
7 The District accounting system will be established to present, with full disclosure, the financial  
8 position and results of financial operations of District funds and account groups in conformity  
9 with generally accepted accounting principles. The accounting system must be in compliance  
10 with accounting system requirements established by legislative action. The accounting system  
11 shall be able to demonstrate compliance with finance-related legal and contractual provisions.  
12  
13  
14

15 Policy History:

16 Adopted on:

17 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7326

4  
5 Documentation and Approval of Claims

6  
7 All financial obligations and disbursements must be documented in compliance with statutory  
8 provisions and audit guidelines. Documentation will specifically describe acquired goods and/or  
9 services, budget appropriations applicable to payment, and required approvals. All purchases,  
10 encumbrances and obligations, and disbursements must be approved by the administrator  
11 designated with authority, responsibility, and control over budget appropriations. The  
12 responsibility for approving these documents cannot be delegated.

13  
14 The District business office is responsible for developing procedures and forms to be used in the  
15 requisition, purchase, and payment of claims.  
16  
17  
18

19 Policy History:

20 Adopted on:

21 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7329

4  
5 Petty Cash Funds

6  
7 The use of petty cash funds shall be authorized for specific purchases only. Those purchases  
8 will include individual purchases of supplies and materials under the amount of Ten Dollars  
9 (\$10), postage, delivery charges, and freight. Individual personal reimbursements which exceed  
10 Ten Dollars (\$10) should not be made from petty cash funds. Petty cash accounts will be  
11 maintained as cash on hand, with the total dollar amount limited to Two Hundred Dollars (\$200).  
12

13 Each administrator of a school or department with a petty cash fund account may appoint and  
14 designate a fund custodian to carry out bookkeeping and security duties. Moneys not  
15 specifically designated as petty cash will not be co-mingled with the petty cash fund. At the  
16 conclusion of each school year, all petty cash funds must be closed out and the petty cash  
17 vouchers and cash on hand returned to the business office for processing.  
18

19 The District business office is responsible for establishing procedures for use and management of  
20 petty cash funds.  
21

22  
23  
24 Policy History:

25 Adopted on:

26 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7330

4  
5 Payroll Procedures/Schedules

6  
7 The District will establish one (1) or more days in each month as fixed paydays for payment of  
8 wages in accord with the current collective bargaining agreement or District practice. Employees  
9 may choose to have their salaries paid in full upon the last pay date following completion of their  
10 assignments or may annualize their pay. Employees who choose to receive payment of wages  
11 beyond the period in which the wages were earned (deferred payment) will be subject to Internal  
12 Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to  
13 the first (1<sup>st</sup>) duty day<sup>1</sup> of the year of deferral. Forms for such deferral shall be made available.  
14 Any change to the election must be made prior to the first (1<sup>st</sup>) duty day of the fiscal year of the  
15 deferment.

16 When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next  
17 regular payday for the pay period in which the employee left employment or within fifteen (15)  
18 days, whichever occurs first.  
19  
20  
21

22 Cross Reference: 5500 Payment of Wages Upon Termination

23  
24 Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation  
25

26 Policy History:

27 Adopted on: May 14, 2008

28 Reviewed on: April 9, 2008

29 Revised on: May 14, 2008

1—The District must choose between the first (1<sup>st</sup>) duty day of the deferral year or July 1 of the deferral year.

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7330F

4  
5 **PAYROLL PROCEDURES/SCHEDULES**  
6 **(Deferred Wage Payment Election Form)**  
7

8 By my signature I hereby acknowledge that I have read and understand the School District's  
9 policy on deferred wages. Furthermore, by my signature on this form, I am electing to defer  
10 payment of my wages on an annualized basis consisting of \_\_\_\_\_ payments.  
11 I understand that any change from an annualized election of payment requires that I notify the  
12 District prior to the beginning of duty for the fiscal year in which the change is being given.  
13  
14  
15

16 \_\_\_\_\_  
17 Signature

\_\_\_\_\_  
Position

18  
19 \_\_\_\_\_  
20 Printed name

\_\_\_\_\_  
Date signed

21  
22  
23  
24 Form History:

25 Adopted on: May 14, 2008

26 Reviewed on: April 9, 2008

27 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7332

page 1 of 2

4  
5 Advertising in Schools/Revenue Enhancement

6  
7 Revenue enhancement through a variety of District-wide and District-approved marketing  
8 activities, including, but not limited to, advertising, corporate sponsorship, signage in or on  
9 District facilities, etc., is a Board-approved venture. The Board may approve such opportunities  
10 subject to certain restrictions in keeping with the contemporary standards of good taste.

11 Advertising will model and promote positive values for District students through proactive  
12 educational messages and not be simply traditional advertising of a product. Preferred  
13 advertising includes messages encouraging student achievement and establishment of high  
14 standards of personal conduct.

15  
16 All sponsorship contracts will allow the District to terminate the contract on at least an annual  
17 basis, if it is determined that it will have an adverse impact on implementation of curriculum or  
18 the educational experience of students.

19  
20 The revenue derived should:

- 21  
22 1. Enhance student achievement;  
23 2. Assist in maintenance of existing District athletic and activity programs; and  
24 3. Provide scholarships for students participating in athletic, academic, and activity  
25 programs, who demonstrate financial need and merit.  
26

27 Appropriate opportunities for marketing activities include but are not limited to:

- 28  
29 1. Fixed signage.  
30 2. Banners.  
31 3. District-level publications.  
32 4. Television and radio broadcasts.  
33 5. Athletic facilities, including stadiums, high school baseball fields, and high school  
34 gymnasiums.  
35 6. District-level projects.  
36 7. Expanded usage of facilities beyond traditional uses (i.e., concerts, rallies, etc.).  
37 8. The interior and exterior of a limited number of District buses, if the advertising is  
38 associated with student art selected by the District. The only advertising information  
39 allowed will note sponsorship of the student art by the participant. Maintenance for these  
40 buses will include but not exceed normal maintenance costs.  
41 9. Individual school publications (when not in conflict with current contracts).  
42

43 Advertising will not be allowed in classrooms, other than corporate-sponsored curriculum  
44 materials approved subject to Board policy.  
45

46  
7332

The following restrictions will be in place when seeking revenue enhancement. Revenue enhancement activities will not:

1. Promote hostility, disorder, or violence
2. Attack ethnic, racial, or religious groups
3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of gender
4. Be libelous
5. Inhibit the functioning of the school and/or District
6. Promote, favor, or oppose the candidacy of any candidate for election, adoption of any bond/budget issues, or any public question submitted at any general, county, municipal, or school election
7. Be obscene or pornographic, as defined by prevailing community standards throughout the District
8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns
9. Promote any religious or political organization
10. Use any District or school logo without prior approval

Cross Reference:     2120   Curriculum Development and Assessment  
                              2309   Library Materials  
                              2311   Instructional Materials

Policy History:

Adopted on:

Revised on:



1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7335

4  
5 Personal Reimbursements

6  
7 While it is recommended that all purchases of goods or services be made within established  
8 purchasing procedures, there may be an occasional need for an employee to make a purchase for  
9 the benefit of the District from personal funds. In that event, an employee will be reimbursed for  
10 a personal purchase under the following criteria:

- 11  
12 1. It is clearly demonstrated that the purchase is of benefit to the District;  
13  
14 2. The purchase was made with the prior approval of an authorized administrator;  
15  
16 3. The item purchased was not available from District resources;  
17  
18 4. The claim for personal reimbursement is properly accounted for and documented with an  
19 invoice or receipt; and  
20  
21 5. The purchase did not exceed Seventy-Five Dollars (\$75).  
22

23 The District business office is responsible for developing procedures and forms to be used in  
24 processing claims for personal reimbursements.  
25  
26  
27

28 Policy History:

29 Adopted on:

30 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7336

4  
5 Travel Allowances and Expenses

6  
7 The District will reimburse employees and trustees for travel expenses while traveling outside  
8 the District and engaged in official District business. District employees who are not exempted  
9 by another policy will be reimbursed according to the current State levels pursuant to Montana  
10 law. All travel expenses must be reported on the established travel expense and voucher forms  
11 and approved by the employee's supervisor and the Superintendent.

12  
13 The District business office is responsible for development of procedures and forms to be used in  
14 connection with travel expense claims and reimbursements.

15  
16  
17  
18 Legal Reference: ' 2-18-501, MCA Meals, lodging, and transportation of persons in  
19 state service  
20 ' 2-18-502, MCA Computation of meal allowance  
21 ' 2-18-503, MCA Mileage B allowance  
22

23 Policy History:

24 Adopted on:

25 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7336P  
page 1 of 4

4  
5 Travel Reimbursement

6  
7 **STANDARD TRAVEL ALLOWANCE SCHEDULE**

8 Reimbursable travel expenses include only those incurred while traveling in connection  
9 with School District Business.

10  
11 Travel expense allowance payable to School District representatives on official travel  
12 status are governed by the following schedule.

13  
14 **TRAVEL ALLOWANCE SCHEDULE**

15

<u>Description</u>	<u>In State</u>	<u>Out of State</u>
Transportation:		
Private Vehicle	Federal Rate/mile (currently)	As approved before travel
Public Conveyance	As approved before travel	As approved before travel
Meals:		
Morning	\$5.00	As approved before travel
Midday	\$9.00	As approved before travel
Evening	\$16.00	As approved before travel
Lodging		
Maximum allowable		
single/night	\$65.00 or as approved	As approved before travel
double/night	\$75.00 or as approved	As approved before travel
Miscellaneous		
Registration, Taxi,		
Banquet fees, etc.	Actual Cost as approved	As approved before travel

34

35 **TRAVEL ALLOWANCES-TRANSPORTATION**

36 **A. Standard Personal Vehicle Rates:**

- 37 1. An employee traveling in or out of the state as approved by the Administration  
38 and/or the Board may claim reimbursement at the Federal Rate in effect at the  
39 time the mileage is incurred, for the first 1,000 miles in a given calendar month.  
40 2. All approved miles traveled above 1,000 in a given calendar month will be  
41 reimbursed at the federal rate less \$.03 per mile.

42  
43 **TRAVEL ALLOWANCES-MEALS**

44 **A. Meal allowances are not dependent upon actual out of pocket expenses, nor is a receipt  
45 required to obtain reimbursement.**

46  
47 **B. Criteria for Meal Allowance:**

- 48 1. An employee who has been approved to travel outside the district may claim meal  
49 allowances as stated in the allowance schedule under the following conditions:  
50 a. Morning Meal:

51 7336P

- 1) if the employee has to leave for a business site prior to or up to 6:00 a.m.
- b. Midday Meal:
  - 1) if the employee has conducted approved district business during the morning hours and is scheduled to continue after the midday lunch period, or
  - 2) if the employee is in authorized transit during the entire normal lunch period.
- c. Evening Meal:
  - 1) if the employee is scheduled to continue District business after 6:00 p.m. (i.e. after evening meal or next day), or
  - 2) if the employee is in authorized transit after 6:00 p.m.
- d. Regularly Scheduled Travel:
  - 1) District personnel, who travel outside the district as authorized on a regularly scheduled basis, will be reimbursed for morning and evening meals at actual cost as substantiated by a receipt, not to exceed maximum as allowed on the regular travel allowance schedule.

#### TRAVEL ALLOWANCE-LODGING

- A. Employees shall be reimbursed for lodging expenses up to the maximum as indicated in the Travel Allowance Schedule.
  1. In order to claim lodging reimbursement, a receipt from the lodging facility must be attached to the Travel Reimbursement Voucher sent to the Business Office. No receipt for lodging will result in a \$35.00 payment for a night spent out of town.
  2. If two or more employees of the same sex are traveling to the same district business site, whenever possible, they should share lodging to decrease district costs. If not possible, reasons should be documented on claim forms.
  3. If an employee is traveling with his/her non-district employee spouse, the lodging rate claimed must reflect only the rate for one person. The one occupant rate should be noted and marked as such on the receipt.
  4. Lodging Provided: In some instances, lodging may be provided to the employee, but no charge is assessed directly, and for these instances, lodging expenses cannot be claimed by the employee. Examples are: **B**district seminars where lodging is provided **A**on campus@ **B**lodging is included in registration fee (see Miscellaneous Travel Allowances).

#### TRAVEL ALLOWANCES-MISCELLANEOUS

- A. Miscellaneous business expenses associated with travel are reimbursable if they have been approved prior to the actual travel time. Examples of such: registration fees, banquet fees that replace an approved meal, taxi fare or in town transit vehicle such as limousine service to and from District Business sites or lodging sites. NOTE: Miscellaneous expenses do not include such items as tips or taxes on meals or

lodging. Miscellaneous expense items of \$5.00 or more must be supported by paid receipts. In any case, miscellaneous expenses must be explained in detail on the District Travel Reimbursement voucher form.

#### TRAVEL ALLOWANCES-SPECIAL IN LIEU

- A. An employee may wish to use other than the most economical and expeditious mode of transportation to complete a travel oriented work assignment. For example: an employee is required to attend a conference in Seattle. Rather than fly, the employee prefers to drive in his/her private vehicle. It is permissible in this case to allow Air Travel Equivalent. This is the cost of air travel and time. The remaining travel time required above air travel hours would have to be completed on the employee's time (non-working hours or charged against accumulated vacation time).
- B. Applicable claims for expenses are to be clearly marked In-Lieu Allowance and the details fully explained. Reimbursements will be made for the least expensive mode of travel.

#### GENERAL RULES

- A. TRAVEL TIME ALLOWED: It is usually necessary to begin traveling prior to the time established for a meeting appointment, conference, etc., that necessitated travel. Also, business activities may terminate late in the day and, because of inclement weather, fatigue, the unavailability of transportation, etc., it may not be feasible for the employee to return promptly to headquarters. In such cases, travel expenses are allowed for a reasonable amount of time preceding and following the actual business activities that necessitated the travel. Because circumstances vary, the Areasonable@ criterion will have to be applied on an individual basis by the Superintendent or Board.
- B. FREQUENCY OF FILING. Every travel expense voucher must be accompanied by the approved travel request form signed by the Superintendent or Board, except for the Superintendent or Board claims.
- C. MODE OF TRANSPORTATION
1. Employees should travel by the least expensive class of service available within the mode of transportation being utilized. When other than the least expensive class of service is used, a full explanation of the circumstances justifying the necessity of using a more expensive class of service must be included with the travel request.
  2. When more than one employee is approved to travel to the same District Business site by personal vehicle, mileage reimbursement will be allowed for only as many vehicles as judged reasonable to carry the number of employees safely.

1       D.       IN-STATE TRAVEL MILEAGE CHART: The in-state travel mileage chart should  
2               be used to compute the mileage allowable for reimbursement.  
3  
4  
5

6   Procedure History:

7   Promulgated on: July 1, 2005

8   Revised on: October 10, 2007

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1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7410

4  
5 Fund Accounting System

6  
7 The District accounting system will be organized on a fund basis. A fund is defined as a fiscal  
8 and accounting entity with a self-balancing set of accounts recording cash and other financial  
9 resources. All related liabilities and residual equities or balances, and changes therein, are  
10 segregated for the purpose of carrying on specific activities or attaining certain objectives in  
11 accordance with special regulations, restrictions, or limitations.

12  
13 The following types of funds and account groups will be used by the District, as required by law  
14 and sound financial administration consistent with legal and statutory operating requirements:

15  
16 Governmental Funds:

17 General Funds  
18 Special Revenue Funds  
19 Capital Projects Funds  
20 Debt Service Funds

21  
22 Proprietary Funds:

23 Enterprise Funds  
24 Internal Service Funds

25  
26 Fiduciary Funds:

27 Trust and Agency Funds

28  
29 Account Groups:

30 General Long-Term Debt Account Group  
31 General Fixed Assets Account Group

32  
33 A modified accrual basis of governmental accounting will be utilized in measuring financial  
34 position and operating results.

35  
36  
37  
38 Legal Reference: ' 20-9-201, MCA Definitions and application

39  
40 Policy History:

41 Adopted on:

42 Revised on:



1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7425

4  
5 Extra- and Co-Curricular Funds

6  
7 The Board is responsible for establishment and management of student extra- and co-curricular  
8 funds. The purpose of student extra- and co-curricular funds is to account for revenues and  
9 disbursements of those funds raised by students through recognized student body organizations  
10 and activities. The funds shall be deposited and expended by check, in a bank account  
11 maintained by the District for student extra- and co-curricular funds. The use of the student  
12 extra- and co-curricular funds is limited to the benefit of the students. Students will be involved  
13 in the decision-making process related to use of the funds.

14  
15 The Board shall follow the *Student Activity Funding Accounting* (published by the Montana  
16 Association of School Business Officials (MASBO)) in establishing accounting procedures for  
17 administration of student extra- and co-curricular funds and will appoint a fund administrator.

18  
19 Specific procedures are available in the clerk=s office.  
20  
21  
22

23 Legal Reference: ' 2-7-503, MCA Financial reports and audits of local government  
24 entities  
25 ' 20-9-504, MCA Extracurricular fund for pupil functions  
26

27 Policy History:

28 Adopted on:

29 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7430

4  
5 Financial Reporting and Audits

6  
7 The Board directs that financial reports of all District funds be prepared in compliance with  
8 statutory provisions and generally accepted accounting and financial reporting standards. In  
9 addition to reports required for local, state, and federal agencies, financial reports will be  
10 prepared monthly and annually and presented to the Board. Financial reports shall reflect  
11 financial activity and status of District funds.

12  
13 Appropriate interim financial statements and reports of financial position, operating results, and  
14 other pertinent information will be prepared to facilitate management and control of financial  
15 operations.

16  
17 The Board directs that District audits be conducted in accordance with Montana law. Each audit  
18 shall be a comprehensive audit of the affairs of the District and District funds. The audits shall  
19 comply with all statutory provisions and generally accepted governmental auditing standards.  
20 Each audit may be made every two (2) years and cover the immediately preceding two (2) fiscal  
21 years, or it may be conducted annually.

22  
23  
24  
25 Legal Reference: ' 2-7-501, et seq., MCA Audits of Political Subdivisions  
26 ' 20-9-212, MCA Duties of county treasurer  
27 ' 20-9-213, MCA Duties of trustees

28  
29 Policy History:

30 Adopted on:

31 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7500

4  
5 Property Records

6  
7 Property and inventory records will be maintained for all land, buildings, and physical property  
8 under District control and will be updated annually.  
9

10 For purposes of this policy, Equipment@ means a unit of furniture or furnishings, an instrument,  
11 a machine, an apparatus or a set of articles which retains its shape and appearance with use, is  
12 nonexpendable, and does not lose its identity when incorporated into a more complex unit. The  
13 Superintendent will ensure inventories of equipment are systematically and accurately recorded  
14 and updated annually. Property records of facilities and other fixed assets will be maintained on  
15 an ongoing basis. No equipment will be removed for personal or non-school use except in  
16 accordance with Board policy.  
17

18 Property records will show, appropriate to the item recorded, the:

- 19  
20 1. Description and identification  
21 2. Manufacturer  
22 3. Date of purchase  
23 4. Initial cost  
24 5. Location  
25 6. Serial number, if available  
26 7. Model number, if available  
27

28 Equipment may be identified with a permanent tag providing appropriate District and equipment  
29 identification.  
30  
31  
32

33 Cross Reference: 7510 Capitalization Policy for Fixed Assets

34  
35 Legal Reference: ' 20-6-602, MCA Trustees= power over property  
36 ' 20-6-608, MCA Authority and duty of trustees to insure district  
37 property  
38

39 Policy History:

40 Adopted on:

41 Revised on:

**Gardiner School District**

**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:

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$5000.00 or more
Buildings - Improvements	\$5000.00 or more
Improvements other than to buildings	\$5000.00 or more
Land	Any amount

Cross Reference: 7500 Property Records

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7515  
Page 1 of 3

4  
5  
6 Fund Balances

7  
8 *[Note: The provisions of this policy include the provisions of Statement No. 54 of the*  
9 *Governmental Accounting Standards Board (GASB).]*

10  
11 **I. PURPOSE**

12  
13 The fund balance policy establishes a framework for the management of all excess funds managed by  
14 the Gardiner School District. The policy is in accordance with GASB Statement 54; management of  
15 fund balance. It also provides guidance and direction for elected and appointed officials as well as  
16 staff in the use of excess funds at year-end.

17  
18 **II. SCOPE**

19  
20 This fund balance policy applies to all funds in the custody of the School District Business  
21 Manager/Clerk of the Gardiner School District, Gardiner, Montana. These funds are accounted for in  
22 the District's annual audited financial reports and include, but are not limited to, the following:

- 23 • General Fund  
24 • Special Revenue Funds  
25 • Capital Project Funds  
26 • Enterprise Funds  
27 • Any new funds created by the District, unless specifically exempted by the governing body;  
28 in accordance with state law or GASB pronouncements.

29  
30 **III. CLASSIFICATION OF FUND BALANCES**

31  
32 The school district shall classify its fund balances in its various funds in one or more of the following  
33 five classifications: nonspendable, restricted, committed, assigned, and unassigned.

34  
35 **IV. DEFINITIONS**

36  
37 A. *Fund balance*---means the arithmetic difference between the assets and liabilities reported in a  
38 school district fund.

39  
40 B. *Committed fund balance*—amounts constrained to specific purposes by the District itself,  
41 using its highest level of decision-making authority; to be reported as committed, amounts  
42 cannot be used for any other purpose unless the District takes the same highest-level action to  
43 remove or change the constraint

44  
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47 7515

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 [ \_\_\_\_ percent of the annual budget.] [ \_\_\_\_ months of operating expenses.]

*[Note: School districts need to select one of the bracketed choices above and fill in the blank. The other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may not be necessary.]*

## 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.

*[Note: The school board determines this order.]*

## 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 following: Superintendent and Business Clerk. 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.

1  
2 An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the  
3 subsequent year's budget in an amount no greater than the projected excess of expected expenditures  
4 over expected revenues satisfies the criteria to be classified as an assignment of fund balance.  
5  
6

#### 7 **IV. STABILIZATION ARRANGEMENTS**

8

9 *[Note: If the school board has established any arrangement(s) for emergencies and other*  
10 *contingencies, the description(s) should be included in this section. The school board needs to*  
11 *specifically define the circumstances or conditions when these amounts may be used, which*  
12 *must be unanticipated adverse financial or economic circumstances. These circumstances or*  
13 *conditions cannot be situations that are expected to or which occur routinely. Stabilization*  
14 *arrangements should be reported as restricted or committed if they meet the criteria or,*  
15 *otherwise, should be reported as unassigned. They should not be reported as assigned. If the*  
16 *school board does not have any such arrangements, this section should be deleted.]*  
17

#### 18 **IX. REVIEW**

19

20 The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum  
21 unassigned general fund balance level.  
22  
23

24 ***Legal References:*** Statement No. 54 of the Governmental Accounting Standards Board  
25  
26

#### 27 Policy History:

28 Adopted on: July 14, 2011

29 Reviewed on: June 19, 2012

30 Revised on:  
31





1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7520

4  
5 Independent Investment Accounts

6  
7 The Board may establish independent investment accounts separate and apart from those funds  
8 maintained by the county treasurer. The Board may transfer cash into an independent investment  
9 account from any budgeted or non-budgeted funds. A separate account shall be established for  
10 each fund from which transfers are made. The principal and any interest earned must be  
11 reallocated to the fund from which the deposit was originally made.  
12

13 The District may either:

- 14  
15 1. Establish and use the account as a non-spending account, returning sufficient funds to the  
16 county treasurer in time to pay all claims against the applicable fund; or  
17  
18 2. Establish a subsidiary checking account and make expenditures from the investment  
19 account, provided all transactions are accounted for and reported, as required by  
20 applicable accounting principles. If the District desires to establish a subsidiary checking  
21 account for purposes of paying for expenditures directly from an investment account, the  
22 District must enter into a written agreement with the county treasurer, in accordance with  
23 § 20-9-235, MCA.  
24  
25  
26

27 Legal Reference: § 20-9-235, MCA Authorization for school district investment account  
28

29 Policy History:

30 Adopted on:

31 Revised on:

1 **Gardiner School District**

2  
3 **FINANCIAL MANAGEMENT**

7530

4  
5 Procurement of Supplies or Services

6  
7 The Board adopts all applicable provisions of the Montana Procurement Act (i.e., ' 18-4-101, et  
8 seq., MCA).

9  
10  
11  
12 Legal Reference: ' 18-4-101, et seq., MCA Montana Procurement Act  
13 2.5.604, ARM Sole Source Procurement  
14

15 Policy History:

16 Adopted on:

17 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8000

4  
5 Goals

6  
7 In order for students to obtain the maximum benefits from their educational program, a complex  
8 set of support services must be provided by the District. These services are essential to the  
9 success of the District, and the staff that provides them is an integral part of the educational  
10 enterprise. Because resources are always scarce, all assets of District operations, including  
11 noninstructional support services, shall be carefully managed in order to obtain maximum  
12 efficiency and economy. To that end, the goal of the District is to seek new ways of supporting  
13 the instructional program that shall maximize the resources directly available for students=  
14 learning programs.

15  
16  
17  
18 Policy History:

19 Adopted on:

20 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8100  
page 1 of 2

4  
5 Transportation

6  
7 The District may provide transportation to and from school for a student who:

- 8  
9 1. Resides three (3) or more miles, over the shortest practical route, from the nearest  
10 operating public elementary or public high school.  
11  
12 2. Is a student with a disability, whose IEP identifies transportation as a related service; or  
13  
14 3. Has another compelling and legally sufficient reason to receive transportation services.  
15

16 The District may elect to reimburse the parent or guardian of a student for individually  
17 transporting any eligible student.  
18

19 The District may provide transportation by school bus or other vehicle or through individual  
20 transportation such as paying the parent or guardian for individually transporting the student.  
21 The Board may pay board and room reimbursements, provide supervised correspondence study,  
22 or provide supervised home study. The Board may authorize children attending an approved  
23 private school to ride a school bus, provided that space is available and a fee to cover the per-seat  
24 cost for such transportation is collected. The District may transport and charge for an ineligible  
25 public school student, provided the parent or guardian pays a proportionate share of  
26 transportation services. Fees collected for transportation of ineligible students shall be deposited  
27 in the transportation fund. Transportation issues that cannot be resolved by the trustees may be  
28 appealed to the county transportation committee.  
29

30 Homeless students shall be transported in accordance with the McKinney Homeless Assistance  
31 Act and state law.  
32

33 In-Town Busing

34  
35 In-town busing is defined as the busing of students within three (3) miles of their school. In-  
36 town busing is a privilege the District can discontinue at any time. The Superintendent will  
37 establish guidelines under which a student may request in-town busing.  
38  
39  
40

41 Legal Reference:	§ 20-7-441, MCA	Special education child eligibility for
		transportation
	§ 20-10-101, MCA	Definitions
44	§ 20-10-121, MCA	Duty of trustees to provide transportation –
45		types of transportation – bus riding time
46		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:

Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8110  
page 1 of 3

4  
5 Bus Routes and Schedules

6  
7 The Superintendent's designee is responsible for scheduling bus transportation, including  
8 determination of routes and bus stops. Such routes are subject to approval of the county  
9 transportation committee. The purpose of bus scheduling and routing is to achieve maximum  
10 service with a minimum fleet of buses consistent with providing safe and reasonably equal  
11 service to all bus students.

12  
13 In order to operate the transportation system as safely and efficiently as possible, the following  
14 factors shall be considered in establishing bus routes:

- 15  
16 1. A school bus route shall be established with due consideration of the sum total of local  
17 conditions affecting the safety, economic soundness, and convenience of its operation,  
18 including road conditions, condition of bridges and culverts, hazardous crossings,  
19 presence of railroad tracks and arterial highways, extreme weather conditions and  
20 variations, length of route, number of families and children to be serviced, availability of  
21 turn-around points, capacity of bus, and related factors.  
22  
23 2. The district may extend a bus route across another transportation service area if it is  
24 necessary in order to provide transportation to pupils in the district's own transportation  
25 service area. A district may not transport pupils from outside its transportation service  
26 area.  
27  
28 3. No school child attending an elementary school shall be required to ride the school bus  
29 under average road conditions more than one (1) hour without consent of the child's  
30 parent or guardian.  
31  
32 4. School bus drivers are encouraged to make recommendations in regard to establishing or  
33 changing routes.  
34  
35 5. Parents should be referred to the Superintendent for any request of change in routes,  
36 stops, or schedules.

37  
38 The Board reserves the right to change, alter, add, or delete any route at any time such changes  
39 are deemed in the best interest of the District, subject to approval by the county transportation  
40 committee.

41  
42 Bus Stops

43  
44 Buses should stop only at designated places approved by school authorities. Exceptions should  
45 be made only in cases of emergency and inclement weather conditions.  
46

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.

#### Delay in Schedule

The driver is to notify the administration of a delay in schedule. The administration will notify parents on routes and radio stations, if necessary.

#### Responsibilities - Pupils

Pupils 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. Pupils 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: July 1, 2005

Revised on: October 11, 2006



1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8111

4  
5 Transportation of Students with Disabilities

6  
7 Transportation shall be provided as a related service, when a student with a disability requires  
8 special transportation in order to benefit from special education or to have access to an  
9 appropriate education placement. Transportation is defined as:

- 10  
11 (a) Travel to and from school and between schools;  
12  
13 (b) Travel in and around school buildings or to those activities that are a regular part of the  
14 student's instructional program;  
15  
16 (c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to  
17 provide special transportation for a student with disabilities.  
18

19 The Evaluation Team that develops the disabled student's Individualized Education Program will  
20 determine, on an individual basis, when a student with a disability requires this related service.  
21 Such recommendations must be specified on the student's IEP. Only those children with  
22 disabilities who qualify for transportation as a related service under the provisions of the IDEA  
23 shall be entitled to special transportation. All other children with disabilities in the District have  
24 access to the District's regular transportation system under policies and procedures applicable to  
25 all District students. Utilizing the District's regular transportation service shall be viewed as a  
26 "least restrictive environment."  
27

28 Mode of Transportation

29  
30 One of the District's special education buses will be the preferred mode of transportation.  
31 Exceptions may be made in situations where buses are prohibited from entering certain  
32 subdivisions due to inadequate turning space, or when distance from school may seriously  
33 impact bus scheduling. In such situations other arrangements, such as an individual  
34 transportation contract, may be arranged with parents. Such voluntary agreement will stipulate  
35 in writing the terms of reimbursement.  
36

37  
38 Cross Reference: 3300 Corrective Actions and Punishment

39  
40 Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with  
41 Disabilities  
42

43 Policy History:

44 Adopted on: July 1, 2005

45 Revised on: October 11, 2006

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8111P  
page 1 of 2

4  
5 Transportation of Children with Disabilities

6  
7 Criteria

8  
9 The following characteristics of children with disabilities may restrict their ability to handle the  
10 District=s regular transportation system. In determining whether a student with disabilities  
11 requires special transportation arrangements, Child Study Teams need to consider these criteria:

- 12  
13 1. Non-ambulatory or limited-mobility students confined to wheelchairs requiring a special  
14 lift or other assistance with boarding;  
15  
16 2. Severe health impairment such as a serious heart condition, seizure disorder, or other  
17 potential life-threatening condition requiring home-to-school transportation;  
18  
19 3. Cognitively delayed children with disabilities with moderate or severe intellectual  
20 limitations rendering them unable to cope with regular transportation facilities;  
21  
22 4. Severe behavioral difficulties manifested by children with disabilities, requiring adult  
23 supervision and a highly structured environment;  
24  
25 5. Children with disabilities, whose developmental delays render them incapable of safely  
26 crossing streets or walking to the school building without adult assistance;  
27  
28 6. A student with disabilities, whose appropriate education has been determined by a Child  
29 Study Team to be located outside the District;  
30  
31 7. Other conditions determined by the Child Study Team to restrict the student=s access to  
32 an educational program.

33  
34 IEP Procedure

35  
36 All students receiving transportation as a related service will have the service specified on their  
37 Individual Education Program (IEP). The Child Study Team will review the need on at least an  
38 annual basis. At a minimum the IEP will include:

- 39  
40 1. Reasons special transportation is required as a related service;  
41  
42 2. Type of transportation to be provided to the student;  
43  
44 3. Any special considerations or accommodations required during transport, related to an  
45 individual student;

46  
8111P

4. Special transportation will be arranged from the child's home to school, unless deviations are specified on the IEP and approved in advance.

The parent or guardian is responsible for:

1. Completion of an emergency card for the transportation office;
2. Providing current address and reporting changes in residence to the transportation office;
3. Getting the child with disabilities to the closest bus stop for morning boarding and meeting the vehicle at the drop-off point at the end of the school day.

#### **NOTES:**

District transportation staff should be represented on the IEP team, if transportation is determined to be a related service.

If the child can get to the nearest bus stop, that is less restrictive than curbside; however, in most instances curbside is appropriate, or they wouldn't need transportation as a related service but curbside is not appropriate in all situations. Don't give away more than the law requires.

The least-restrictive to the most-restrictive service may be, for example:

1. Walks to school
2. Rides regular bus
3. Rides regular bus with minor modifications or lift
4. Rides regular bus with additional structure B with or without equipment
5. Rides bus which carries only students with disabilities (special ed bus) B with or without equipment
6. Rides special ed bus with attendant B with or without equipment
7. Rides special ed bus with attendant with special training B limited ride time B specially equipped bus B special intervention
8. Needs bus ride alone, without attendant
9. Needs bus ride alone, with attendant
10. Needs bus alternative
11. Transportation is not appropriate (physical or psychological condition precludes transportation B physician's statement necessary)

The District's burden of proof increases, as the service becomes more specific.

#### Procedure History:

Promulgated on:

Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8121

4  
5 District-Owned Vehicles

6  
7 The District owns and maintains certain vehicles. Included among them are pickups, school  
8 buses, and vans. These are for use by properly authorized personnel of the District for District  
9 business purposes.

10  
11 Any driver who receives a citation for a driving violation while operating a District vehicle shall  
12 personally pay all fines levied. All citations received while operating a District vehicle will be  
13 reported to the driver=s supervisor. Failure to report any violation or the violation itself may  
14 result in disciplinary action.

15  
16 Bus and Vehicle Maintenance, District

17  
18 Buses used in the District=s transportation program shall be in safe and legal operating  
19 condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol,  
20 before the beginning of each semester. The Superintendent will establish a specific list of tasks  
21 bus drivers will perform on a daily basis. All other District vehicles shall be maintained  
22 following established programs developed by the Superintendent.

23  
24  
25  
26 Policy History:

27 Adopted on:

28 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8123

4  
5 Driver Training and Responsibility

6  
7 Bus drivers shall observe all state statutes and administrative rules governing traffic safety and  
8 school bus operation. At the beginning of each school year, the District will provide each driver  
9 with a copy of the District's written rules for bus drivers and for student conduct on buses.

10  
11 Each bus driver will meet the qualifications established by the Superintendent of Public  
12 Instruction, including possession of a valid Montana commercial driver's license (with a school  
13 bus "S" endorsement), receive ten (10) hours of in-service annually, and Department of  
14 Transportation-approved physician's certification that he or she is medically qualified for  
15 employment as a bus driver. The bus driver shall secure a valid standard first aid certificate from  
16 an authorized instructor, within two (2) months after being employed, and maintain a valid first  
17 aid certificate throughout employment as a bus driver. The bus driver must have five (5) years  
18 driving experience.

19  
20 A teacher, coach, or other certified staff member assigned to accompany students on a bus will  
21 have primary responsibility for behavior of students in his or her charge. The bus driver has final  
22 authority and responsibility for the bus. The Superintendent will establish written procedures for  
23 bus drivers.

24  
25  
26  
27 Legal Reference:     § 20-10-103, MCA     School bus driver qualifications  
28                             10.7.111, ARM       Qualification of Bus Drivers  
29                             10.64.201, ARM     Drivers

30  
31 Policy History:

32 Adopted on: July 1, 2005

33 Revised on: January 11, 2006

**Gardiner School District**

**NONINSTRUCTIONAL OPERATIONS**

8124

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 Superintendent for final determination. The student's parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

Cross Reference:     3310   Student Discipline  
                             8111   Transportation of Students with Disabilities

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

Policy History:

Adopted on:

Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8125

4  
5 School Bus Emergencies

6  
7 In the event of an accident or other emergency, the bus driver shall follow the emergency  
8 procedures developed by the Superintendent. A copy of the emergency procedures will be  
9 located in every bus. To ensure the success of such emergency procedures, every bus driver will  
10 conduct an emergency evacuation drill within the first six (6) weeks of each school semester.  
11 The District will conduct such other drills and procedures as may be necessary.  
12  
13  
14

15 Policy History:

16 Adopted on:

17 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8132

4  
5 Activity Trips

6  
7 The use of school buses is strictly limited to school activities. Buses may not be loaned or leased  
8 to non-school groups, unless permission is specifically granted by the Board. Buses will be  
9 operated by a qualified bus driver on all activity runs, and only authorized activity participants,  
10 professional staff, and chaperones assigned by the administration may ride the bus.

11  
12 A duplicate copy of the passenger list will be made for all activity trips. One (1) copy will  
13 remain with the professional staff member in charge on the bus, and one (1) copy will be given  
14 to the Activities Director before the bus departs.

15  
16 Movies on Activity Buses

17  
18 G-rated movies may be shown on all trips. PG-rated movies with unanimous parental approval  
19 may be shown to grades 7-12. Unanimous ballots of all parents will determine parental  
20 permission.

21  
22  
23  
24 Policy History:

25 Adopted on:

26 Revised on:



2  
3 **NONINSTRUCTIONAL OPERATIONS**

8200

4  
5 Food Services

6  
7 The District supports the philosophy of the National School Lunch Program and will provide  
8 wholesome, appetizing, and nutritious meals for children in District schools. The Board may  
9 authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for  
10 federally connected indigent pupils.

11  
12 Because of the potential liability of the District, the food services program will not accept  
13 donations of food without approval of the Board. Should the Board approve a food donation, the  
14 Superintendent will establish inspection and handling procedures for the food and determine that  
15 provisions of all state and local laws have been met before selling the food as part of school  
16 meals.

17  
18 Commodities

19  
20 The District will use food commodities made available under the Federal Food Commodity  
21 Program for school meals.

22  
23 Free and Reduced-Price Food Services

24  
25 The District will provide free and reduced-price meals to students, according to the terms of the  
26 National School Lunch Program and the laws, rules, and regulations of the state. The District  
27 will inform parents of the eligibility standards for free or reduced-price meals. Identity of  
28 students receiving free or reduced-price meals will be confidential, in accordance with National  
29 School Lunch Program guidelines. A parent has the right to appeal to a designated hearing  
30 official any decision with respect to his or her application for free or reduced-price food services.

31  
32 The Board may establish programs whereby meals may be provided in the District in accordance  
33 with National School Lunch Program guidelines.

34  
35 The amount charged for such meals shall be sufficient to cover all costs of the meals, including  
36 preparation labor and food, handling, utility, and equipment depreciation costs.

37  
38 Legal Reference: ' 20-10-204, MCA Duties of trustees  
39 ' 20-10-205, MCA Allocation of federal funds to school food services  
40 fund for federally connected, indigent pupils  
41 ' 20-10-207, MCA School food services fund

42  
43 Policy History:

44 Adopted on:

45 Revised on:

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## 8225

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 on public school property prohibited
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§§ 50-40-101, et seq., MCA Montana Clean Indoor Air Act of 1979  
ARM 37.111.825 Health Supervision and Maintenance

### Policy History:

Adopted on: New To Gardiner

Reviewed on: March 10, 2010

Revised on: April 14, 2010

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8230

4  
5 Nutrition

6  
7 The District will provide school meals which meet or exceed nutritional standards required by  
8 state and federal school lunch programs.

9  
10 The Superintendent will establish rules for the sale of foods during the school day. To  
11 encourage students to eat nutritious lunches, competitive food services will not be permitted to  
12 operate anywhere on school premises during or for a period of one (1) hour before and after the  
13 lunch period.

14  
15 The principal must give prior approval to any food sales of an occasional nature.  
16  
17

18  
19 Legal Reference: ' 20-10-204, MCA Duties of trustees  
20

21 Policy History:

22 Adopted on:

23 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8300

4  
5 Risk Management

6  
7 The Board believes the District must identify and measure risks of loss which may result from  
8 damage to or destruction of District property or claims against the District by persons claiming  
9 to have been harmed by action or inaction of the District, its officers or staff. The District will  
10 implement a risk management program to reduce or eliminate risks where possible and to  
11 determine which risks the District can afford to assume. Such program will consider the  
12 benefits, if any, of joining with other units of local government for joint purchasing of insurance,  
13 joint self-insuring, or joint employment of a risk manager. The Board will assign primary  
14 responsibility for administration and supervision of the risk management program to a single  
15 person and will review the status of the risk management program each year.  
16

17 The District will purchase surety bonds for the Superintendent, Clerk, and such other staff and in  
18 such amounts as the Board shall from time to time determine to be necessary for honest  
19 performance of the staff in the conduct of the District=s financial operations.  
20  
21  
22

23 Legal Reference:	' 20-6-608, MCA	Authority and duty of trustees to insure
24		district property
25	' 20-3-331, MCA	Purchase of insurance B self-insurance plan
26	' ' 2-9-101, et seq., MCA	Liability Exposure
27	' 2-9-211, MCA	Political subdivision insurance
28	' 2-9-501, MCA	General Provisions Related to Official
29		Bonds
30		

31 Policy History:

32 Adopted on:

33 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8301

4  
5 District Safety

6  
7 The Board recognizes that safety and health standards should be incorporated into all aspects of  
8 the operation of the District. Rules for safety and prevention of accidents will be posted in  
9 compliance with Montana Safety Culture Act and the Montana Safety Act. Injuries and  
10 accidents will be reported to the District office.

11  
12 The building principal will develop a plan of fire, civil defense, tornado, and earthquake  
13 warning, protection, and evacuation. This plan and procedures will be discussed and distributed  
14 to each teacher at the beginning of each school year. There will be at least eight (8) disaster  
15 drills a year, four (4) of which will be fire drills. All teachers will discuss fire drill procedures  
16 with their class at the beginning of each year and will have them posted in a conspicuous place  
17 next to the exit door. A record will be kept of all fire drills. The drills will be held at different  
18 hours of the day or evening to avoid distinction between drills and actual disasters.

19  
20 The Superintendent will develop safety and health standards which comply with the Montana  
21 Safety Culture Act.  
22  
23  
24

25 Legal Reference:	§20-1-401, MCA	Disaster drills
26	§ 20-1-402, MCA	Number of disaster drills required –
27		time of drills to vary
28	§§ 39-71-1501, et seq., MCA	Montana Safety Culture Act
29	§§ 50-71-311, MCA	Montana Safety Act
30		

31 Policy History:

32 Adopted on: July 1, 2005

33 Revised on: October 11, 2006

**Gardiner School District**  
**NONINSTRUCTIONAL OPERATIONS**

8310

Memorials

The School Board recognizes that the death of a student, member of the staff, or community members is deeply felt by the school community. As places designed primarily to support learning, school sites should not serve as the main venue for permanent memorials for students, staff, or community members.

Permanent memorials will be decided on a case by case basis by the Board of Trustees. [Contributions may be made to a general scholarship fund established by the district memorializing a student, staff member, or member of the school community.] [Memorial scholarships may be accepted and awarded under criteria approved by the administration in honor of persons who have special significance to the students, district and community. All such offers will be submitted to the Superintendent with pertinent information concerning the purpose of the memorial scholarship. Funds will be administered by the District.] Items may be accepted by the district in memory of an individual or event with Superintendent approval. The Superintendent will consider any maintenance costs to the district of such gifts. Items received become the property of the district and will be used for the purpose for which they were donated.

Any permanent memorials can only be removed by a vote of the Board of Trustees.

The Board recognizes the use of district property for memorial services is generally inappropriate. Any such request will be considered in accordance with Board Policy 4330 and 4330P.

Cross Reference:	BP 4330	Community Use of School Facilities
	BP 4330P	Rules and Regulations for Building Use

Policy History:

Adopted on: October 10, 2007

Reviewed on: October 10, 2012

Revised on: November 14, 2012

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8320

4  
5 Property Damage

6  
7 The District will maintain a comprehensive insurance program which will provide adequate  
8 coverage, as determined by the Board, in the event of loss or damage to school buildings and/or  
9 equipment, including motor vehicles. The comprehensive insurance program will maximize the  
10 District's protection and coverage while minimizing costs for insurance. This program may  
11 include alternatives for sharing the risk between the District and an insurance carrier and through  
12 self-insurance plans.

13  
14 Privately Owned Property

15  
16 The District will not assume responsibility for maintenance, repair, or replacement of any  
17 privately owned property brought to a school or to a District function, unless the use or presence  
18 of such property has been specifically requested in writing by the administration.

19  
20  
21  
22 Legal Reference: ' 20-6-608, MCA Authority and duty of trustees to insure district  
23 property  
24

25 Policy History:

26 Adopted on:

27 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8351

4  
5 Loans of School-Owned Equipment and Books

6  
7 School-owned equipment will not be loaned for non-school use off school property, with the  
8 following exceptions:  
9

- 10 1. Use of specific items of equipment may be granted on written request of the intended  
11 user and approval by the Superintendent, and only when such equipment is not obtainable  
12 elsewhere. In such instances the user will be fully liable for any damage or loss  
13 occurring to the equipment during the period of its use and will be responsible for its safe  
14 return.  
15  
16 2. School equipment may be removed from school property by students or staff only with  
17 permission from the Superintendent.  
18  
19 3. Except in cases of emergency, school telephone calls will be restricted to school business  
20 only. Long-distance calls for personal purposes are prohibited.  
21  
22 4. School-owned equipment may be used in conjunction with rental of a school facility.  
23  
24  
25

26 Policy History:

27 Adopted on:

28 Revised on:



1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8400

4  
5 Sale of Real Property

6  
7 Unless the property can be disposed of without a vote, the Board has the power to dispose of all  
8 District property, only when the qualified electors of the District approve of such action at an  
9 election called for such approval or when the trustees adopt a resolution stating their intention to  
10 dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting  
11 to consider a resolution to authorize the sale of the real property. The conduct of the meeting  
12 and any such subsequent appeals shall be in accord with ' 20-6-604, MCA.

13  
14 Receipts from a sale of real property shall be placed in the debt service fund, building fund,  
15 general fund, or in any combination of these three (3) funds, at the Board=s discretion.  
16  
17  
18

19 Legal Reference: ' 20-6-603, MCA Trustees= authority to acquire or dispose of sites  
20 and buildings B when election required  
21 ' 20-6-604, MCA Sale of property when resolution passed after  
22 hearing B appeal procedure  
23

24 Policy History:

25 Adopted on:

26 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8410

4  
5 Operation and Maintenance of District Facilities

6  
7 The District seeks to maintain and operate facilities in a safe and healthful condition. The  
8 facilities manager, in cooperation with principals, fire chief, and county sanitarian, will  
9 periodically inspect plant and facilities. The facilities manager will develop a program to  
10 maintain the District physical plant by way of a continuous program of repair, maintenance, and  
11 reconditioning. Budget recommendations will be made each year to meet these needs and any  
12 such needs arising from an emergency.

13  
14 The facilities manager will formulate and implement energy conservation measures. Principals  
15 and staff are encouraged to exercise other cost-saving procedures in order to conserve District  
16 resources in their buildings.

17  
18  
19  
20 Legal Reference: 10.55.908, ARM School Facilities

21  
22 Policy History:

23 Adopted on:

24 Revised on:

1 **Gardiner School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8420

4  
5 District-Wide Asbestos Program

6  
7 It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and  
8 all of its amendments and changes be complied with by all District employees, vendors, and  
9 contractors.

10  
11  
12  
13 Legal Reference: 15 USC ' 2641 Congressional findings and purpose

14  
15 Policy History:

16 Adopted on:

17 Revised on:

**Gardiner School District**

**NONINSTRUCTIONAL OPERATIONS**

8425

Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

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 Gardiner 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;
- or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:	Policy 8425P	Procedure for allowance of service animals
	Policy 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:

Reviewed on: 11/14/2012

Revised on: 12/12/2012

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8430

page 1 of 2

4  
5 Records Management

6  
7 The District will retain, in a manner consistent with applicable law and the state's *Rules for*  
8 *Disposition of Local Government Records*, such records as are required by law or regulations to  
9 be created and/or maintained, and such other records as are related to students, school personnel,  
10 and the operations of the schools.

11  
12 For the purpose of this policy, "records" are all documentary materials, regardless of media or  
13 characteristics, made or received and maintained by the school unit in transaction of its business.  
14 Records include email and other digital communications sent and received.

15  
16 Records may be created, received, and stored in multiple formats, including but not limited to  
17 print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer  
18 disks and CDs, servers, flash drives, etc.).

19  
20 The Superintendent will be responsible for developing and implementing a records management  
21 program for the cataloging, maintenance, storage, retrieval, and disposition of school records.  
22 The Superintendent will also be responsible for developing guidelines to assist school employees  
23 in understanding the kinds of information that must be saved and those which can be disposed of  
24 or deleted. The Superintendent may delegate records-management responsibilities to other  
25 school personnel at his/her discretion to facilitate implementation of this policy.

26  
27 **Litigation Holds for Electronic Stored Information (ESI)**

28  
29 The school district will have an ESI Team. The ESI Team is a designated group of individuals  
30 who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant  
31 to a pending or imminent legal proceeding. The ESI Team will include a designated school  
32 administrator, an attorney, and a member from the Technology Department. In the case of a  
33 litigation hold, the ESI Team shall direct employees and the Technology Department, as  
34 necessary, to suspend the normal retention procedure for all related records.

35  
36 **Inspections of ESI**

37  
38 Any requests for ESI records should be made in writing and will be reviewed by the  
39 Superintendent or designee, in consultation with an attorney if needed, and released in  
40 accordance with Montana public records law.

41  
42 **Delegated Authority**

43  
44 The Board delegates to the Superintendent or designees the right to implement and enforce  
45 additional procedures or directives relating to ESI retention consistent with this policy, as  
46 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: July 1, 2005

Reviewed on: November 10, 2010

Revised on: December 9, 2010

1   **Gardiner School District**

2  
3   **NONINSTRUCTIONAL OPERATIONS**

8440

4  
5   Computer Software

6  
7   Unauthorized copying of any computer software licensed or protected by copyright is theft.  
8   Failure to observe software copyrights and/or license agreements may result in disciplinary  
9   action by the District and/or legal action by a copyright owner.

10  
11   No District-owned computing resources should be used for unauthorized commercial purposes.  
12  
13  
14

15   Policy History:

16   Adopted on:

17   Revised on:

**Gardiner School District**

**NONINSTRUCTIONAL OPERATIONS**

8450

page 1 of 2

Automated External Defibrillators (AED)

The Board of Trustees of the Gardiner School District 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 Medical Supervisor 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. 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;
6. 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.



**GARDINER SCHOOL DISTRICT**  
**AUTOMATIC EXTERNAL DEFIBRILLATOR**  
**INCIDENT REPORT**

Name of person completing report: \_\_\_\_\_

Date report is being completed: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Name of patient on which AED was applied: \_\_\_\_\_ Age \_\_\_\_\_

Known status of patient

- ☐ Student
- ☐ Parent of Student
- ☐ Other, explain \_\_\_\_\_

Describe incident: \_\_\_\_\_

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List series of events from the start of the emergency until its conclusion: \_\_\_\_\_

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Your Signature: \_\_\_\_\_

Please forward to the Superintendent of Schools no later than 48 hours after the incident.

**GARDINER SCHOOL DISTRICT**  
**Gardiner, Montana**

**AUTOMATIC EXTERNAL DEFIBRILLATOR**  
**SERVICE LOG**

Date	Inspected and In-Service	Inspected and Out-of-Service	Signature of Designee

Once per month or more often the designee will inspect the AED. If the AED is out-of-service or does not have the appropriate equipment, the designee will contact the Superintendent of Schools or designee immediately.

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 results 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: May 10, 2006

Reviewed on: February 8, 2012

Revised on: March 13, 2012

## **Gardiner School District**

### **NONINSTRUCTIONAL OPERATIONS**

**8460**

#### Naming School District Facilities

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. In selecting a name, the Board will give higher preference to names that have a special significance to the area or to the people who have made a significant contribution to education or to the school or the school system.

The naming of a school or facility shall take place in the following manner:

- A. The Superintendent shall select a committee of, whose purpose it shall be to submit to the Board a list of not less than three, nor more than five, names for the new school or facility. The list shall briefly state, along with each name, why the committee nominated each name. The committee may solicit nominations from students and the community.
- B. The committee shall, whenever possible, follow these guidelines:
  - a. Each name shall be known to, and significant to, the people of the district.
  - b. The names submitted shall not conflict with the names of other schools or facilities in the district or surrounding districts.
  - c. The use of names of living persons shall be avoided unless the circumstances warrant an exception.
- C. Major facilities (non-buildings), such as athletic complexes, are eligible to be named according to the following guidelines:
  - a. The name should be easily identifiable with the facility;
  - b. The name should not conflict with similar names of other facilities within the district or surrounding school districts; and
  - c. In selecting a name of a person, the Board will give higher preference to persons who have made a significant contribution to education within the district.
- D. The Board shall make the final selection of the new school or facility from the list. All names submitted may be rejected, if, in the opinion of the Board, the use of the name would not reflect the ideals and philosophy of the school district.
- E. In recognition of the efforts of those involved in the project, a plaque containing the following information shall be attached to a new building or facility:
  - a. School or facility name;
  - b. Board-approved construction date;
  - c. Completion or dedication date;
  - d. Name of Board members as of the board-approved construction date in the following order:
    - i. Chairman
    - ii. Vice-Chairman
    - iii. Members (alphabetically)
  - e. Superintendent as of board-approved construction date; and
  - f. Architect and contractor names.

- F. Once a building or facility has been named, that name will remain with the building or facility unless changed by the Board.

Policy History:

Adopted on: October 10, 2007

Reviewed on:

Revised on: