

PENDING

Browning Public Schools
Recoded Board Policy Manual

Board Policy Manual

1000. Board of Trustees

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Policy 1000: Legal Status, Operation and Organization

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 09/05/2018 | **Last Reviewed Date:** 09/05/2018

The legal name of this District is Browning Public Schools, District No. 9, Glacier County, State of Montana. The District is classified as a class one district and is operated according to the laws and regulations pertaining to a class one elementary and high school districts.

District Vision

Browning Public Schools is a safe environment that teaches personal and community wellness and provides support and strategies for overcoming adversity.

In Browning Public Schools, we are free to teach and learn successfully. We instill and develop respect and pride for self, family, school, community, our environment and all cultures through service to others.

We model hard work and personal accountability through humility and dedication – demonstrating that these values are the responsibility of all.

We cultivate and nurture strong partnerships with the community to build citizens who have a sense of place, respect for Mother Earth, and an understanding of the rights and responsibilities of, and to, all people in all communities.

Children are our first priority!

The School Laws of Montana and the Administrative Rules of the Board of Public Education and Office of Superintendent of Public Instruction also delineate the legal powers, duties and responsibilities of the Board.

The Browning Public Schools, District #9 maintains a K-8 elementary structure for the purpose of providing instruction.

The Browning and East Glacier school districts constitute the taxable basis for purposes of construction, operation and maintenance of Browning High School which encompasses grades 9-12.

Montana Code Annotated References

Description

20-3-323	District policy and record of acts
20-3-324	Powers and duties
20-6-201	Elementary district classification
20-6-301	High school district classification
20-9-309	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review

Montana Constitution References

Description

Article X, section 8	School District Trustees
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Cross References

Description

2120	Curriculum and Assessment
2130	Program Evaluation and Diagnostic Tests
2132	Student and Family Privacy Rights
2309-P(1)	Library Program and Materials - Library Collection Development – Code of Ethics
2309-P(2)	Library Program and Materials - Library Collection Development – Library Bill of Rights

Cross References

2309-P(3)

2309-P(4)

2309-P(5)

2309-NF(1)

2309-NF(2)

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4120-P(1)

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5120-F(3)

5120-F(4)

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5251

6110

6110-P(1)

6110-P(2)

6110-P(3)

6110-P(4)

6110-P(5)

6121

7326

Description[Library Program and Materials - Library Collection Development – Instructions to Reconsideration](#)[Library Program and Materials - Library Collection Development – Freedom to Read Statement](#)[Library Program and Materials - Library Collection Development – Confidentiality of Library Records](#)[Library Program and Materials - Library Collection Development – Sample Letter](#)[Library Program and Materials - Library Collection Development – Request for Reconsideration Form](#)[Selection of Library Materials](#)[Instructional Materials](#)[Instructional and Library Materials Review](#)[Controversial Issues and Academic Freedom](#)[Public Relations - Parent Involvement rev](#)[Visitors to School](#)[Hiring Process and Criteria](#)[Hiring Process and Criteria - Authorization.Fingerprinting](#)[Hiring Process and Criteria - Fingerprint Background Handling Procedure](#)[Hiring Process and Criteria - Qualifications of Certified Staff](#)[Hiring Process and Criteria - Criminal History Dissemination Log](#)[Hiring Process and Criteria - Determination Form](#)[Hiring Process and Criteria - Letter of Intent](#)[Hiring Process and Criteria - Privacy Act Statement](#)[Applicability of Personnel Policies and Professional Development](#)[Fingerprints and Criminal Background Investigations](#)[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)[Resignations](#)[Superintendent](#)[Superintendent - Recruitment of Superintendent](#)[Superintendent - Superintendent-Board Job Responsibilities](#)[Superintendent - Evaluation Of Superintendent](#)[Superintendent - Evaluation of Supt Reg](#)[Superintendent - Duties of Superintendent](#)[District Organization](#)[Documentation and Approval of Claims](#)

Procedure 1000-P(1): Legal Status, Operation and Organization

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

It is the Vision of Browning Public Schools to foster unity of school and community spirit, celebrate our past, experience the present and prepare for a future which embodies respect for individual dignity, success, honor and pride.

The Philosophy of the Board of Trustees of School District No. 9 is to provide an equal educational opportunity for each student attending Browning Public Schools.

While aware of the need for instruction of all world cultures, the Board recognizes the distinct and unique cultural heritage of the Blackfeet Indian students attending Browning Public Schools, and is committed, in its educational goals, to the preservation of their cultural integrity including Blackfeet Standards and Indian Education for All. The District, within its' resources, will offer the highest quality of education to all its students. It is the intent of the Board to cooperate with all governmental agencies, and the community, in striving to meet the educational goals of the District. This philosophy will be the guiding principle in all curricular and co-curricular activities of School District No. 9.

Montana Code Annotated References

Montana Code Annotated References	Description
20-3-323	District policy and record of acts
20-3-324	Powers and duties
20-6-201	Elementary district classification
20-6-301	High school district classification
20-9-309	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review

Montana Constitution References

Montana Constitution References	Description
Article X, section 8	School District Trustees

Cross References

Cross References	Description
2120	Curriculum and Assessment
2130	Program Evaluation and Diagnostic Tests
2132	Student and Family Privacy Rights
2309-P(1)	Library Program and Materials - Library Collection Development – Code of Ethics
2309-P(2)	Library Program and Materials - Library Collection Development – Library Bill of Rights
2309-P(3)	Library Program and Materials - Library Collection Development – Instructions to Reconsideration
2309-P(4)	Library Program and Materials - Library Collection Development – Freedom to Read Statement
2309-P(5)	Library Program and Materials - Library Collection Development – Confidentiality of Library Records
2309-NF(1)	Library Program and Materials - Library Collection Development – Sample Letter
2309-NF(2)	Library Program and Materials - Library Collection Development – Request for Reconsideration Form
2310	Selection of Library Materials

Cross References

2311

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4120-P(1)

4301

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5120-F(1)

5120-P(1)

5120-P(2)

5120-F(2)

5120-F(3)

5120-F(4)

5120-F(5)

5121

5122

5122-F(1)

5122-F(2)

5251

6110

6110-P(1)

6110-P(2)

6110-P(3)

6110-P(4)

6110-P(5)

6121

7326

Description[Instructional Materials](#)[Instructional and Library Materials Review](#)[Controversial Issues and Academic Freedom](#)[Public Relations - Parent Involvement rev](#)[Visitors to School](#)[Hiring Process and Criteria](#)[Hiring Process and Criteria - Authorization.Fingerprinting](#)[Hiring Process and Criteria - Fingerprint Background Handling Procedure](#)[Hiring Process and Criteria - Qualifications of Certified Staff](#)[Hiring Process and Criteria - Criminal History Dissemination Log](#)[Hiring Process and Criteria - Determination Form](#)[Hiring Process and Criteria - Letter of Intent](#)[Hiring Process and Criteria - Privacy Act Statement](#)[Applicability of Personnel Policies and Professional Development](#)[Fingerprints and Criminal Background Investigations](#)[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)[Resignations](#)[Superintendent](#)[Superintendent - Recruitment of Superintendent](#)[Superintendent - Superintendent-Board Job Responsibilities](#)[Superintendent - Evaluation Of Superintendent](#)[Superintendent - Evaluation of Supt Reg](#)[Superintendent - Duties of Superintendent](#)[District Organization](#)[Documentation and Approval of Claims](#)

Policy 1105: Membership and Terms of Office

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

An annual election shall be held in accordance with the school laws of Montana for the purpose of electing as many trustees as is required by law.

Elementary School District No. 9 is a first-class district and, as such, has seven (7) Board Members. Each Board member serves a three-year term. Terms are staggered so that three (3) trustees are elected in two successive years and one (1) is elected in the subsequent year. Trustees are elected at the annual school election held on the first Tuesday of May.

One (1) trustee elected in the manner prescribed by Montana school law from other than District No. 9 within the Browning High School District together with the seven (7) trustees of District No. 9 shall comprise the Board of Trustees of Browning High School District. All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District.

Montana Code Annotated References

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

Cross References

Cross References	Description
1111	Election

Policy 1110: Taking Office

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 11/08/2011 | **Last Reviewed Date:** 11/08/2011

A newly-elected trustee shall take office as soon as the election results have been certified and the newly-elected trustee has taken and subscribed to an oath to support the Constitutions of the United States and the State of Montana and to promote the interests of education and to faithfully discharge the duties of his/her office to the best of his/her ability. The County Superintendent, the Superintendent's designee, District Clerk, or any office provided for in 1-6-101, MCA or 2-16-116, MCA who is authorized to administer such oaths must certify to this oath and the signature of the member. Such oath shall be filed with the County Superintendent within fifteen (15) days after the receipt of the certificate of election. After a citizen has been qualified for a trustee position s/he shall hold such position for the term of the position and until a successor has been elected or appointed and has been qualified.

Montana Code Annotated References

	Description
1-6-101	Officers who may administer oaths
2-16-116	Power to administer oaths
20-1-202	Oath of office
20-3-307	Qualification and oath
20-3-314	Online repository for information on trustees

Cross References

	Description
1111	Election
1113	Vacancies
1120	Annual Organizational Meeting

Policy 1111: Election

Status: ADOPTED

Original Adopted Date: 04/30/1993 | **Last Revised Date:** 03/09/2021 | **Last Reviewed Date:** 03/09/2021

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

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

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

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

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

Montana Code Annotated References

Description

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

Cross References

Description

1105	Membership and Terms of Office
1110	Taking Office

Policy 1112: Resignation

Status: ADOPTED

Original Adopted Date: 03/31/2004 | **Last Reviewed Date:** 03/31/2004

The resignation of a trustee, must be submitted in writing to the Clerk. A resignation is effective after its submission, in writing, with a stipulated effective date unless withdrawn by the trustee through written notification of withdrawal made to the Clerk.

Whenever a trustee position becomes vacant, the remaining members of the trustees shall declare the position vacant and they shall appoint, in writing within 60 days, a competent person as a successor.

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

Montana Code Annotated References

2-16-501

Description

Vacancies created

2-16-502

Resignations

20-3-308

Vacancy of trustee position

Cross References

1113

Description

[Vacancies](#)

PENDING

Policy 1113: Vacancies

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

1. Any elected trustee position shall be vacant whenever the incumbent:
 - a. death of the trustee;
 - b. the effective date stipulated in the written resignation of the trustee is filed with the Clerk;
 - c. trustee moves out of the nominating district establishing residence elsewhere;
 - d. trustee is no longer a registered elector of the District under the provisions of 20-20-301 MCA;
 - e. trustee is absent from the District for sixty (60) consecutive days;
 - f. trustee fails to attend three (3) consecutive meetings of the trustees without good cause. The trustee will call the chairperson and/or secretary in order to validate an acceptable excuse;
 - g. trustee has been removed under the provisions of 20-3-310; or
 - h. trustee ceases to have the capacity to hold office under any other provision of the law.
 - i. trustee position shall also be vacant when an elected candidate fails to qualify under MCA 20-3-307.
1. When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill such vacancy by appointment. The Board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate to serve until the next regularly scheduled election. Should the Board fail to fill a vacancy within sixty (60) days from the creation of such vacancy the county superintendent shall appoint, in writing, a competent person to fill such vacancy. An appointee shall meet the requirements provided by law within fifteen (15) days after receiving notice of appointment and shall serve until the next regularly scheduled school election and a successor has qualified.

Montana Code Annotated References

20-3-308

Description

Vacancy of trustee position

20-3-309

Filling vacated trustee position – appointee qualification and term of office

Cross References

1110

Description

[Taking Office](#)

1112

[Resignation](#)

Policy 1120: Annual Organizational Meeting

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

After the issuance of the election certificates to the newly elected trustees in May and no later than twenty-five (25) days after the election, the Board shall elect from among its members a Chairperson, and a Vice-Chairperson to serve until the next annual organizational meeting. If a Board Member is unable to continue to serve as an officer, a replacement shall be elected at the earliest opportunity to serve the remainder of the term. In the absence of both the Chair and the Vice-Chair, the Board shall elect a Chairperson *pro tempore* who shall perform the functions of the Chair during the latter's absence. The Clerk or designee shall act as Board secretary.

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

1. Introduction of newly-elected Board Members by the current Chair;
2. Administration of oath of newly elected trustees;
3. Call for nominations for Chairperson to serve during the ensuing year;

ction of a Chair;

5. Assumption of office by the new Chair;
 6. Call for nominations for Vice Chairperson to serve during the ensuing year
1. Election of a vice-chairperson;
 8. Appointment of a Clerk.

Montana Code Annotated References

	Description
1-5-601	Notarial Acts
20-3-321	Organization and officers
20-3-322	Meetings and quorum

Cross References

	Description
1110	Taking Office
1210	Qualifications, Terms, Duties of Board Officers
1230	Clerk

Policy 1130: Committees

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Committees/Meetings

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

Committees of the Board may be created and their purposes defined by a majority of the Board. The Board Chairman shall appoint trustees to serve on such committees. Trustees serving on committees shall be limited to fewer than one-half (3) of the Board.

Special Committees

Special committees may be appointed by the chairperson at the direction of the Board. Such committees will be discharged when the work is finished, or earlier, if by a majority vote of the entire Board.

All reports of special committees will be made directly to the Board as a whole. The function of special committees will be fact-finding, deliberative and advisory, rather than legislative or administrative. Committee recommendations will be made directly to the Board, which alone may take action. Committee meetings may be called by the Board Chairperson, the committee chairperson, or any two members of the committee.

Montana Code Annotated References

Description

2-3-203

Meetings of public agencies and certain associations of public agencies to be open to public – exceptions

Montana Supreme Court References

Description

2004 MT 120

Associated Press v. Crofts

Policy 1135: School Board Advocacy

Status: ADOPTED

Original Adopted Date: 01/26/2022 | **Last Reviewed Date:** 01/26/2022

The Board of Trustees believes it has a responsibility to the students, parents, and community to advocate for student achievement and quality education. In order to meet these responsibilities, the District will work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause.

Trustees must keep themselves and community members informed of pending legislation and actively communicate board positions and concerns to elected representatives at both the state and national level. The Board must work with legislative representatives (both state and federal), the Montana School Boards Association, national advocacy groups aligned with Montana school districts interest in advocating for excellence in public education through school board leadership, and other concerned groups and organizations in developing an annual as well as long-range legislative program.

Each Trustee is encouraged to participate in the MTSBA Delegate Assembly, the MTSBA Board Legislative Contact Program and the caucuses. The District also encourages the board and each trustee to be aware of the importance of building a relationship with the community and local legislators, to be used to increase student success.

In doing so, the Trustees will:

- a. Review MTSBA legislative correspondence;
 - b. Respond to MTSBA legislative calls to action;
 - c. Participate in Day of Advocacy during each legislative session;
 - d. Attend other state and regional association meetings as approved by the Board; and
 - e. Advise MTSBA of the Board's views regarding MTSBA's legislative positions and activities.
1. At least once each month in accordance with Policy 1420, the Board meeting agenda will include an opportunity for the trustees to discuss educational issues pending on the state and federal levels.
 1. Work with the MTSBA, national advocacy groups aligned with Montana school districts interest in advocating for excellence in public education through school board leadership, and other concerned groups and organizations on matters of mutual interest.
-

Policy 1210: Qualifications, Terms, Duties of Board Officers

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 03/26/2014 | **Last Reviewed Date:** 03/26/2014

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

The chairperson shall preside at all board meetings and sign all documents as required by law and as authorized by the action of the board. The chairperson shall conduct the meeting in the manner prescribed by the board's policies, provided that the chairperson shall have the full right to participate in debate without relinquishing the chair and shall have the right to vote on all matters put to a vote. The chairperson further retains the right to make and second motions in order to bring matters to a vote.

The chairperson may close a meeting during the time the discussion relates to a matter of individual privacy and then, if and only if, the chairperson determines that the demands of individual privacy clearly exceeds the merits of public disclosure.

The chairperson will strive to keep all trustees informed regarding issues which are brought to his/her attention, create the agenda in cooperation with the superintendent and serve as the primary conduit of communication between the superintendent and Board of Trustees.

The chairperson will appoint members to serve on committees created by the Board.

Vice-Chairperson: The Vice Chairperson shall preside at board meetings in the absence of the chairperson and shall perform all of the duties of the chairperson in case of his/her absence or disability.

Montana Code Annotated References

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

Cross References

	Description
1120	Annual Organizational Meeting
1332	Authorization of Signatures
1332-P(1)	Authorization of Signatures - Consultants
1332-P(2)	Authorization of Signatures - School District Bank Accounts

Policy 1230: Clerk

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The Clerk of the board shall attend all meetings of the board unless excused by the Board Chairperson and insure in conjunction with the Superintendent, shall keep an accurate and permanent record of all proceedings. He/she shall have custody of the records, books and documents of the Board.

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

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

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

Montana Code Annotated References

	Description
20-20-401	Trustees' election duties – ballot certification
20-3-322	Meetings and quorum
20-3-325	Clerk of District
20-4-201	Employment of teachers and specialists by contract
20-9-133	Adoption and expenditure limitations of final budget
20-9-165	Budget amendment limitation, preparation, and adoption procedures
20-9-221	Procedure for issuance of warrants

Cross References

	Description
1120	Annual Organizational Meeting

Policy 1240: Duties of Individual Trustees

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 03/26/2014 | **Last Reviewed Date:** 03/26/2014

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

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

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

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

Cross-Reference: #2110 Superintendent-Board Relations

Montana Code Annotated References

	Description
20-3-301	Election and term of office
20-3-308	Vacancy of trustee position
20-3-324	Powers and duties
20-3-332	Personal immunity and liability of trustees

Cross References

	Description
1520	Board/Staff Communications
1521	Board/Superintendent Relationship

Policy 1310: District Policy and Procedures

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Reviewed Date:** 08/28/1996

The formulation, adoption and revision of clearly articulated written policy will constitute the basic method by which the Board of Education of School District # 9 will exercise its leadership in the operation of the school system. The formal adoption of policies will be recorded in the minutes of the Board. Only those written statements so adopted and so recorded will be regarded as official Board policy.

General Principles:

The Board endorses for use in this district the policy codification system of the Montana School Board Association. This system is to serve as a general guideline for policy dissemination and maintenance of the manual.

All policies will be written, clearly defined and based on the Board's educational priorities.

Final policy decisions will be made only in open meetings conducted by the Board of Education.

Policy statements, where appropriate, must include pertinent extracts from judicial decisions, legislation or collective bargaining agreements, as may affect the intent of the Board's direction.

The views of the administration, staff and community will be considered.

Policy Development Process:

The Superintendent has an ongoing responsibility to advise the Board on policy matters and therefore will initiate policy statements for the Board's consideration, as s/he may deem appropriate.

Any Board member, by a carried motion, may initiate the preparation and/or amendment of a policy statement.

The initiation motion must contain at least the main concepts that should be addressed in the subsequent policy statement that will be prepared by the superintendent.

The Superintendent or his/her designee will conduct the necessary research to assure the integrity and legality of the resultant policy statement. S/he will also ensure that any proposed policy formulation is carried out through a systematic coordinated process that encourages involvement of the staff, community and external agencies. Proposed new policies and proposed changes in existing policies must be presented in writing for reading, discussion and adoption.

Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as agenda items to the Board in the following sequence:

1. Information item-distribution with agenda;
2. Discussion item-first reading of proposed policy or policies; report from any Board or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting;
3. Action item - second reading; discussion and adoption.

Amendments may be proposed by Board members. An amendment will not require that the policy go through an additional reading except as the Board determines that the amendment needs further study and that an additional reading would be desirable.

Policies will be effective upon the date set by the Board. The date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

Repeal or adoption of new or revised policies that are required, or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st) reading if sufficient notice has been given through the board agenda.

Under unusual circumstances, the Board may temporarily approve a policy to meet emergency conditions. However, policy which is not created in conformance with the procedure outlined above may not be extended beyond the minimum timeline required to satisfy all aspects of the Board's policy adoption process.

The Board may formulate and revise policy continually throughout the year. All policy will be reviewed on a regular basis by the Board of Trustees.

The Superintendent will maintain a policy manual to be maintained containing all the written policies of the Board. Every administrator, as well as staff, students, and other residents, shall have ready access to District policies.

Suspension / Repeal of Policy

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

Administrative Procedures

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

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

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Procedure 1310-P(1): District Policy and Procedures - Handbook Policy

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

In order to facilitate sound community interactions, the Board of Trustees for Browning Public Schools is committed to providing students, their families and the community with clear information, well-defined behavioral expectations, and due process procedures specific to the individual school and the District.

Handbook Development

A student handbook will be developed for each school within Browning School District #9. The handbooks will be revised each school year. Consistency between buildings will be established and maintained while considering the developmental level of the students served in individual building sites. No language in any building handbook may change or modify the intent of Board policy. Handbooks are submitted to the Superintendent for approval by the first regular board meeting held in August.

Handbooks and Contents

The general school student handbook will identify the rules, regulations and operations of the school, which reflect current District policy and philosophy. The handbook will provide general information, a directory of building staff, school offerings and resources, behavioral expectations and discipline procedures, and a school calendar summary. Parent and student signatures will be obtained indicating receipt and understanding of the contents.

The athletic and co-curricular activity handbook will identify eligibility and participation rules. The handbook will be distributed prior to the first practice or activity meeting. Each coach or activity sponsor shall provide orientation to the handbook to students. Student and parent or guardian signature indicating receipt, understanding of the contents and willingness to comply with the rules and regulations noted therein will be obtained prior to participation in athletics and co-curricular activities.

Handbook Distribution

The administration shall be responsible for providing students with a handbook upon enrollment in the school site. Staff, parents, and community members will be provided a general orientation to handbook contents at least once per school year.

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Procedure 1310-P(2): District Policy and Procedures - Administrative Regulation

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 01/10/2006 | **Last Reviewed Date:** 01/10/2006

The Board will delegate to the superintendent or his/her designee the task of specifically developing the rules and regulations under which the schools will be managed and operated. All administrative regulations will be reviewed by the Board in accordance with this policy and made available to the public. Regulations and policies will be maintained in a common manual.

Before issuance, regulations will be properly titled and coded as appropriate to subject and in conformance with the codification system selected by the Board. All regulations appearing in the manual will be Board approved provided they are in accordance with the accompanying Board policy.

The Superintendent shall submit proposed procedures to the Board for review prior to their adoption.

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Procedure 1310-P(3): District Policy and Procedures - Administrative Regulation copy

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The Board of Education of Browning Public Schools #9 has provided the basic educational objectives, administrative guidance, basis for performance evaluation, and the means of school and community leadership to the administrative and operational staff through written policy statements.

The superintendent will provide for the implementation of Board policy and the management of school district affairs under these policies. This will be accomplished through the superintendent's directives and administrative regulations. Administrative regulations are the superintendent's specifications for the implementation and management of school district affairs. Under board policy all rules and regulations will be reviewed by the Board in accordance with this policy and made available to the public. The management team and administrative staff, as directed by the superintendent, shall provide for the implementation of board policy and the management of school district affairs as prescribed in these policies and corresponding administrative regulations.

In the event that regulations or procedures are necessary to cover matters not directly related to an existing policy statement, they will not violate the intent of any adopted policy.

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Procedure 1310-P(4): District Policy and Procedures - Administration in Absence of Policy

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 10/13/2020 | **Last Reviewed Date:** 10/13/2020

In the absence of a policy where action is required, the superintendent is authorized to act in accordance with the best-established practices consistent with law. However, it is the superintendent's duty to inform the Board, at the next regularly scheduled board meeting, if there is a need for an official policy.

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Procedure 1310-P(5): District Policy and Procedures - Handbooks and Manuals

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 07/12/2016 | **Last Reviewed Date:** 07/12/2016

In order to facilitate sound community interactions, the Board of Trustees for Browning Public Schools is committed to providing students, their families and the community with clear information, well-defined behavioral expectations, and due process procedures specific to the individual school and the District.

Handbook Development

A student handbook will be developed for each school within Browning School District #9. The handbooks will be revised each school year. Consistency between buildings will be established and maintained while considering the developmental level of the students served in individual building sites. No language in any building handbook may change or modify the intent of Board policy. Handbooks are submitted to the Superintendent for approval by the first regular board meeting held in August.

Handbooks and Contents

The general school student handbook will identify the rules, regulations and operations of the school, which reflect current District policy and philosophy. The handbook will provide general information, a directory of building staff, school offerings and resources, behavioral expectations and discipline procedures, and a school calendar summary. Parent and student signatures will be obtained indicating receipt and understanding of the contents.

The athletic and co-curricular activity handbook will identify eligibility and participation rules. The handbook will be distributed prior to the first practice or activity meeting. Each coach or activity sponsor shall provide orientation to the handbook to students. Student and parent or guardian signature indicating receipt, understanding of the contents and willingness to comply with the rules and regulations noted therein will be obtained prior to participation in athletics and co-curricular activities.

Handbook Distribution

The administration shall be responsible for providing students with a handbook upon enrollment in the school site. Staff, parents, and community members will be provided a general orientation to handbook contents at least once per school year.

Montana Code Annotated References

20-3-323

Description

District policy and record of acts

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

5121

Description

[Applicability of Personnel Policies and Professional Development](#)

6121

[District Organization](#)

Policy 1332: Authorization of Signatures

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The Board Chair and Clerk are authorized to use a facsimile signature plate or stamp. All such plates must be filed under oath with the Secretary of State.

The use and security of a signature stamp for use by the Board Chair and Clerk shall be controlled in accordance with § 20-9-221(2), MCA.

The Chairperson of the Board of Trustees and Clerk are authorized to sign all District payroll warrants, checks for claims, activity funds or petty cash dispersal by facsimile signature on behalf of the Board:

Personnel contracts and negotiated agreements must be signed personally by both the Chairpersons of the Board and District Clerk unless otherwise authorized by the Board

The Superintendent is authorized to sign on behalf of the Board; contracts, leases, and/or contracts for goods and services for amounts under \$5000 without prior approval of the Board.

Cross References

Description

1007FE

[Multidistrict Agreements](#)

1011FE

[Cooperative Purchasing](#)

1210

[Qualifications, Terms, Duties of Board Officers](#)

7320

[Purchasing](#)

8210

[Procurement for Food Service](#)

Procedure 1332-P(1): Authorization of Signatures - Consultants

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

When knowledge or technical skills are needed that cannot be provided by persons on the staff, the Superintendent shall prepare a description of services needed along with an estimation of the time and cost likely to be incurred. If such consultative assistance is approved, the Board shall authorize the consultant's services, paid or unpaid, within the budgetary limits specified by the Board.

Cross References

1007FE

Description

[Multidistrict Agreements](#)

1011FE

[Cooperative Purchasing](#)

1210

[Qualifications, Terms, Duties of Board Officers](#)

7320

[Purchasing](#)

8210

[Procurement for Food Service](#)

PENDING

Procedure 1332-P(2): Authorization of Signatures - School District Bank Accounts

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

The Board of Trustees directs that bank accounts may be established only for those purposes which are specified by law. Bank accounts may be established for accounting for student extra-curricular funds and for the purpose of maintaining a clearing account for student extra-curricular fund travel expenditures.

The Superintendent of Schools shall be authorized to establish the procedures for designating the fund custodians for each bank account maintained by the school district.

Cross References

Description

1007FE	Multidistrict Agreements
1011FE	Cooperative Purchasing
1210	Qualifications, Terms, Duties of Board Officers
7320	Purchasing
8210	Procurement for Food Service

PENDING

Policy 1400: Board Meetings

Status: ADOPTED

Original Adopted Date: 09/27/2000 | **Last Revised Date:** 03/09/2021 | **Last Reviewed Date:** 03/09/2021

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/designee 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

- The rules of parliamentary procedure comprised in Robert's Rules of Order may be used as a guide to govern the Board in its deliberations.
- 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.
- A majority of the Board will constitute a quorum.
- The agreement of a majority of those members present will be necessary for the transaction of any business.
- The Chairperson of the board will vote on motions before the Board and rules governing voting will be applicable to him/her.
- A board member who has a personal interest in any proposed or pending matter which presents a conflict of interest in accordance with Board policy #1512 will disclose such interest and will not vote. Under such circumstances, the member will comply with the voluntary disclosure requirements set out in State Law.
- When a tie vote exists on a motion, the motion will be declared to have failed.
- To pass, any motion must be approved by majority of the members present except as State Law and policies of this Board may require differently.
- The individual votes of board members will be recorded in the minutes when the vote is not unanimous.
- A roll call vote may be requested by any member of the Board or by the secretary when a vote is not unanimous. If a roll call vote is requested the secretary will call the roll in alphabetical order.
- Public comment will be in accordance with Board Policy #1441, Audience Participation.

The high school representative elected from the East Glacier District is expected to participate in voting issues that apply to the high school and the District in its entirety. The high school representative may not vote on issues which are solely of an elementary nature. The anticipated funding of the decision will serve as a guideline in making this determination.

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.

Montana Code Annotated References

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

Montana Constitution References

	Description
Article II, Section 9	Right to know

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees

Montana Supreme Court References

	Description
2004 MT 120	Associated Press v. Crofts

Cross References

	Description
1420-P(1)	School Board Meeting Procedure - Meeting Conduct-Order of Business (Roberts Rules)
1420-P(2)	School Board Meeting Procedure - Agenda Preparation
1420-P(3)	School Board Meeting Procedure - Closed Sessions
1420-P(4)	School Board Meeting Procedure - Minutes of Board Meetings
1420-P(5)	School Board Meeting Procedure - Public Participation at Board Meetings
1420-NF(1)	School Board Meeting Procedure - Notice Regarding Public Comment
1700	Uniform Complaint Procedure
4120-P(1)	Public Relations - Parent Involvement rev
5251	Resignations
7110	Budget and Program Planning
7110-P(1)	Budget and Program Planning
7121	Budget Adjustments
7326	Documentation and Approval of Claims

Policy 1401: Records Available to Public

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

All District records except those restricted by state and/or federal law shall be available to citizens for inspection at the clerk's office.

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

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

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

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

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

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

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

Montana Code Annotated References

	Description
2-6-1003	Access to Public Information
2-6-1006	Public Information requests - fees
20-3-323	District policy and record of acts
20-9-213	Duties of trustees

Cross References

	Description
7326	Documentation and Approval of Claims
7500	Property Records
8430	Records Management

Policy 1402: School Board Use of Email and Mobile Messaging

Status: ADOPTED

Original Adopted Date: 04/13/2021 | **Last Reviewed Date:** 04/13/2021

School Board Use of Email and Mobile Messaging

Use of email and mobile messaging by members of the Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail and mobile messaging in the conduct of Board responsibilities:

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

Montana Code Annotated References

Description

2-3-103	Public participation – governor to ensure guidelines adopted
2-3-201	Legislative intent – liberal construction
2-3-203	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
2-6-1003	Access to Public Information
2-6-1006	Public Information requests - fees
20-3-322	Meetings and quorum

Procedure 1420-P(1): School Board Meeting Procedure - Meeting Conduct-Order of Business (Roberts Rules)

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 01/25/2006 | **Last Reviewed Date:** 01/25/2006

All board meetings will be conducted in an orderly and business-like manner, using *Robert’s Rules of Order* as a guide except when such rules are superseded by board policies. The order of business will be indicated in the agenda. The board shall establish its regular order of business, but may elect to change the order by a majority vote of the members.

Montana Code Annotated References

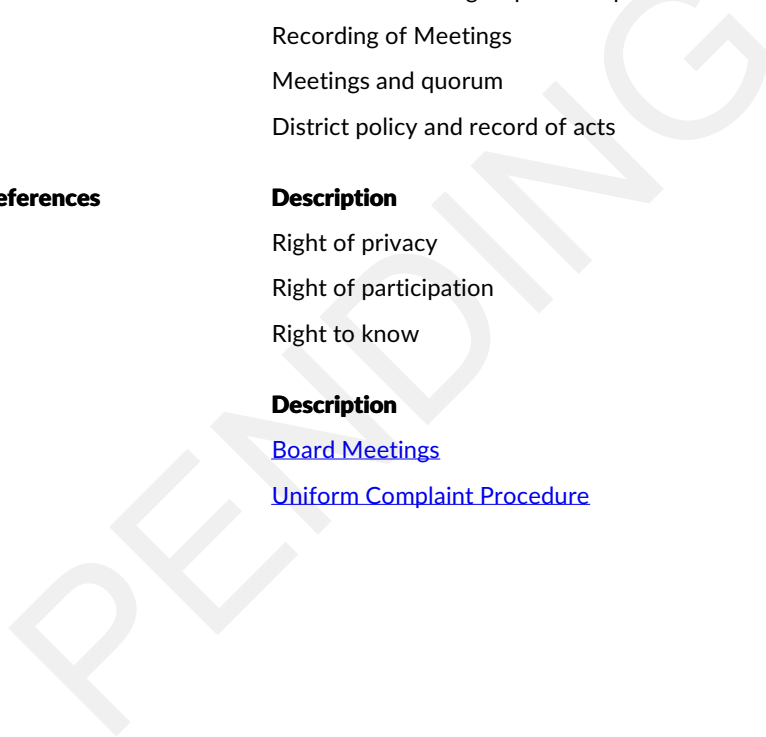
	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

	Description
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

	Description
1400	Board Meetings
1700	Uniform Complaint Procedure



Procedure 1420-P(2): School Board Meeting Procedure - Agenda Preparation

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 03/09/2021 | **Last Reviewed Date:** 03/09/2021

The administrative staff and Board of Education members will submit requests to the superintendent’s secretary for items to be placed on the agenda for Board action. The item/s are to be submitted to the Superintendent at least six (6) days prior to a regular meeting or forty-eight hours prior to a special meeting. All items considered for placement on the agenda will state clearly the subject to be considered, together with an explanation and supporting data which would be informative to the Board and the general public. The Superintendent and the Board Chairperson will determine which items will be placed on the agenda for Board consideration or review. The Superintendent and designated administrative staff will meet to preview the agenda of a regular meeting prior to publication. Whenever possible, the preview of the agenda will be coordinated with the Chairperson of the Board or his/her designee.

Items of business may also be suggested by any staff member, student or citizen of the district. The inclusion of items suggested by staff members, students or citizens will be at the discretion of the Superintendent and Chairperson. The Tuesday preceding the regular scheduled meeting is established as the deadline for items to be included in the agenda for that meeting. The agenda will allow suitable time for the remarks of the public who wish to speak briefly before the Board in accordance with Policy #1441 Audience Participation.

The Board, however, may not revise policies or adopt new ones, unless such action is consistent with the constraints imposed by Policy #1310 Board Policy Development.

The agenda, together with all appropriate supporting materials will be distributed to Board members not less than forty-eight (48) hours in advance of the board meeting to permit careful consideration of the items of business. The agenda and appropriate agenda materials also will be made available to the press, representatives of community, staff and student organizations and any other interested parties upon request. The agenda for each meeting will be displayed in a prominent place in each school building, the district’s administrative offices and the Browning Post Office.

Montana Code Annotated References

Montana Code Annotated References	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

Montana Constitution References	Description
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

Cross References	Description
1400	Board Meetings
1700	Uniform Complaint Procedure

Procedure 1420-P(3): School Board Meeting Procedure - Closed Sessions

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the final decision as may be provided by law. It is the intent of Montana statute to insure that, actions and deliberations of all public agencies, including those of public boards, be conducted openly.

Under Montana law, the Board of Education may hold closed sessions only for the following purposes:

1. To consider matters of individual privacy, and then only when the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived, however, by the individual about whom the discussion pertains and, in that event, the meeting shall be open.
2. 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.

The Board of Education shall take no formal action during any closed session.

Montana Code Annotated References

	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

	Description
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

	Description
1400	Board Meetings
1700	Uniform Complaint Procedure

Procedure 1420-P(4): School Board Meeting Procedure - Minutes of Board Meetings

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 03/09/2021 | **Last Reviewed Date:** 03/09/2021

The Clerk of the Board, or his/her designee, shall record the minutes of all Board meetings. Minutes become official after approval by the Board and shall be retained as a permanent record of the District. The individual assigned the task of actually recording and transcribing the minutes will do so as an agent of the District Clerk. The minutes will be signed by the District Clerk.

When issues are discussed that may require detailed record, the Board may direct the designee to record the discussion verbatim. If an audio recording of a meeting is made and designated as official, the recording constitutes the office record of the meeting. Minutes shall, at a minimum, contain the following information:

- 1) date, time and place of meeting;
- 2) presiding officer
- 3) members in attendance;
- 4) description of items, discussion, general summary of discussion, wording of motions and the voting record of each trustee present;
- 5) a detailed statement of all expenditures;
- 6) basis for any closures of the meeting;
- 7) time of adjournment.

Unofficial minutes shall be delivered to board members in advance of the next regularly scheduled meeting of the board and a summary may also be available to other interested citizens. If corrections are suggested by members and voted by the Board, the official minutes shall reflect the alterations agreed to. Minutes need not be read publicly provided that members have had an opportunity to review them before adoption.

A file of permanent minutes of all open Board meetings, exception closed sessions will be maintained in the office of the District Clerk or his/her designee to be made available for inspection upon the request of any interested citizen. A written copy shall be available within five (5) working days following approval by the Trustees at a cost not to exceed .15 per page. A copy to the press shall be furnished at no cost.

Montana Code Annotated References

Montana Code Annotated References	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

Montana Constitution References	Description
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

Cross References	Description
1400	Board Meetings
1700	Uniform Complaint Procedure

Procedure 1420-P(5): School Board Meeting Procedure - Public Participation at Board Meetings

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Board meetings are conducted for the purpose of carrying on the official business of the school district. The meetings are not public forum meetings, but are meetings held in the public. All meetings, except executive sessions, will be open to the public. The minutes of each meeting will record the action taken at each meeting, and will show how each member voted on each item presented for action. The journal of minutes is open and available to the public during normal business hours.

The agenda for each regular meeting of the Board of Education will include an opportunity for Public Comment. The purpose of this agenda item is to permit members of the public to speak, within time limitations, on matters of immediate concern within the jurisdiction of the Board. Additionally, members of the community may submit items to be considered for placement on the agenda. Individuals or organizations within the community desiring to make requests, presentations or proposals to the Board during the public comment portion of the agenda, or to have an item considered for placement on the agenda will be provided that opportunity. Although orderly conduct of Board meetings does not permit spontaneous discussion from the audience, the Board reserves the right to solicit input on any agenda item from members of the public whom are present at any public meeting. Information exchanged in this manner will occur only after the individual wishing to comment is recognized by the chairperson.

Persons with complaints will be required to utilize the Board of Education Administrative Complaint Resolution Process as a means of disposition *prior* to addressing the matter at the Board level. Individual presentations by speakers are limited to five minutes. The Board Chairperson will advise the audience at the beginning of the Public Comment section on the agenda of the policy concerning the procedure to be observed.

Persons making presentations at a Board meeting will give their names and indicate if they are representing an organization. All remarks must be addressed to the Chairperson of the Board. Direct questions or comments to individual Board members or other officers of the school system may occur only upon approval of the Chairperson. Members of the Board and the superintendent may have the privilege of asking questions of any person who addresses the Board.

Speakers will not be permitted to make defamatory comments or use abusive and/or vulgar language. Speakers will be advised that comments must be limited to items which directly relate to the school district. The Chairperson of the Board will maintain the prerogative to discontinue any presentation which violates any of the public participation guidelines.

The board will not permit in public session any expression of personal complaints regarding school personnel nor against any person connected with the school system.

The intent of this policy is to allow a fair and adequate opportunity to be heard, to allow the superintendent to take-action when policies have been established by the Board on the subject of the request, to provide adequate time for the Board to obtain information concerning the subject, and to see that time so devoted to the discussion does not interfere with the fulfillment of the scheduled agenda of the Board.

The provisions set forth in this policy are not to be construed as providing an additional form of relief to employees attempting to resolve concerns related to personnel issues. Nothing in this policy countermands the contractual provisions of the collective bargaining agreements for resolution of grievances with any employee groups or individuals in such employee groups.

Montana Code Annotated References

	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

Article II, Section 10

Article II, Section 8

Article II, Section 9

Description

Right of privacy

Right of participation

Right to know

Cross References

1400

1700

Description

[Board Meetings](#)

[Uniform Complaint Procedure](#)

PENDING

Notice Form 1420-NF(1): School Board Meeting Procedure - Notice Regarding Public Comment

Status: ADOPTED

Original Adopted Date: 04/13/2021 | **Last Reviewed Date:** 03/09/2021

Notice Regarding Public Comment

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the public comment portion of the meeting, if you haven't already done so, please sign your name to the sheet and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. Please state your name prior to beginning your comment. There will be an opportunity for citizens who have not signed in to comment at the conclusion of the comment period. The Board would like to remind everyone in attendance to avoid violations of individual rights of privacy when providing comment. The Board is not authorized to hear comments on contested cases or other adjudicative proceedings.

By law, the District cannot take any action on any matter discussed during the public comment portion of the meeting as those matters are not specifically noticed on the agenda. The Board may take a matter raised during the public comment period under consideration for inclusion on a future agenda.

In accordance with Montana law, citizens have the right to comment on an item that is specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for discussion and action. The board chair will indicate when the public has the opportunity to comment prior to board action on a particular agenda item.

The Board Chair has the authority to manage all public comment periods and will do so in accordance with state law and district policy.

Montana Code Annotated References

Montana Code Annotated References	Description
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
2-3-214	Recording of Meetings
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

Montana Constitution References

Montana Constitution References	Description
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

Cross References	Description
1400	Board Meetings

Cross References

1700

Description

[Uniform Complaint Procedure](#)

PENDING

Policy 1425: Abstentions from Voting

Status: ADOPTED

Original Adopted Date: 04/28/1999 | **Last Reviewed Date:** 04/28/1999

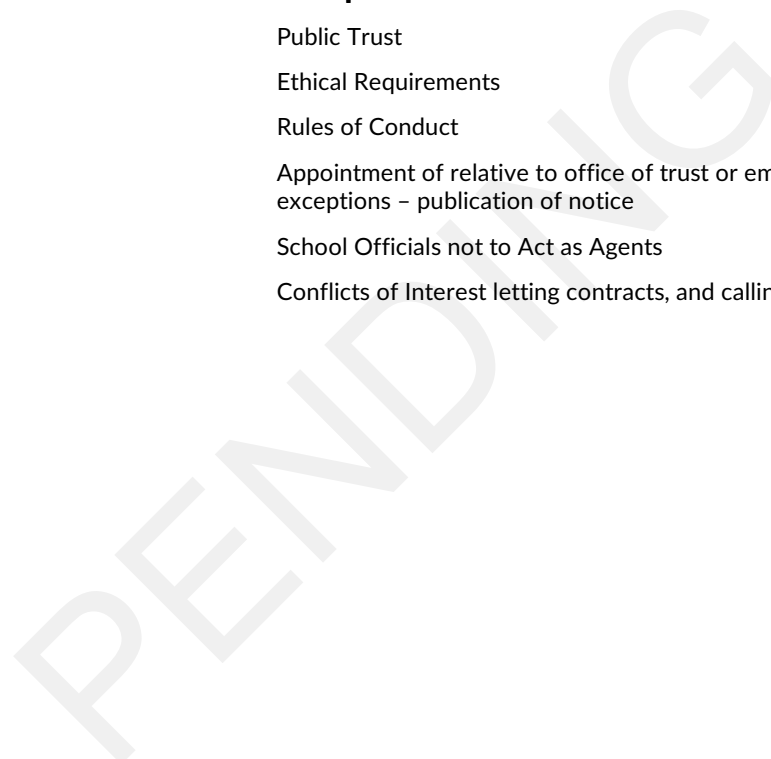
Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting records of each trustee present. As a general rule of thumb, trustees should vote on all issues, unless casting a vote would be a violation of law. In accordance with Montana law, there are instances in which it would be unlawful or inappropriate for a trustee to cast a vote on a particular issue. For example, a trustee may not vote to hire a relative, as in § 2-2-302, MCA.

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

Montana Code Annotated References

Description

2-2-103	Public Trust
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct
2-2-302	Appointment of relative to office of trust or emolument unlawful - exceptions - publication of notice
20-1-201	School Officials not to Act as Agents
20-9-204	Conflicts of Interest letting contracts, and calling for bids -- exceptions



Policy 1511: Code of Ethics for School Board members

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

In order to fulfill the obligations of an elected representative to the Browning Board of Education it is the intent of the Board that all members adhere to the following principles:

- Attend all regularly scheduled Board meeting insofar as possible, and become informed concerning the issues to be considered at those meetings;
- Recognize that policy decisions should be made only after full discussion at publicly held Board meetings;
- Encourage the free expression of opinion by all Board members;
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the School to the Superintendent;
- Recognize and respect the responsibilities that properly are delegated to the Superintendent;
- Communicate to the Superintendent expression of public reaction to Board policies, school programs, or staff;
- Support and employ those persons best qualified to serve as school staff, and insist on regular and impartial evaluation of staff;
- Avoid being placed in a position of conflict of interest, and refrain from using the power of the Board for personal or partisan gain;
- Avoid compromising the Board or administration by inappropriate individual action or comments, and respect the confidentiality of information that is privileged under applicable law.

Policy 1512: Conflict of Interest

Status: ADOPTED

Original Adopted Date: 07/29/1998 | Last Revised Date: 03/09/2021 | Last Reviewed Date: 03/09/2021

A trustee may not:

1. engage in a substantial financial transaction for his/her private business purpose with a person whom he/she supervises in the course of official duties;
2. perform an official act directly and substantially affecting to its economic benefit to a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
3. act as an agent or solicitor in the sale or supply of goods or services to a district;
4. have a monetary interest, directly or indirectly, in any contract made by the Board of Trustees when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources. In order to award a contract under these circumstances a determination of the lack of availability of the service or product in question must be entered in the minutes of the Board meeting at which the contract is considered. Further, the name(s) of the specific Board member(s) involved must be included in the minutes. Board Members negotiating contracts with the District are prohibited from voting on any aspect of the decision made by the Board.
5. be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana Officials Association.
6. perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.
7. appoint to a position of trust any person related or connected by consanguinity within the fourth (4th) degree or by affinity within the second degree (2nd).
 - a. this prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days.
 - b. this prohibition does not apply to the renewal of an employment contract of a tenured teacher or classified employee employed without a written contract for a specific term related to a Board member who was initially hired before the Board member assumed the trustee position.
 - c. this prohibition does not apply if the trustees comply with the following requirements: 1) All trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person; 2) All trustees related to the person to be employed abstains from voting; and 3) The trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

Degrees of Consanguinity (4th degree): Relationship by blood; from the same ancestor.

4

Great Great Grandparent

3 5

Great Grandparent Great Great Uncle

2 **4** 6

Grandparent Great Uncle Child of Great Uncle

1 **3** 5 7

Parent Uncle Child of GG Uncle Grandchild of GG Uncle

Trustee

1 **3** 5 7

Child Nephew 1st Cousin 2nd Cousin

once removed once removed

2 **4** 6 8

Brother 1st Cousin 2nd Cousin 3rd Cousin

2 4 6

Grandchild Grand Nephew 1st Cousin

twice removed

3 5

Great Grandchild Great Grand Nephew

4

Great Great Grandchild **Degrees of Affinity (2nd degree):** Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the death of one of the spouses or dissolution of marriage, except when the marriage has resulted in issue still living.

3

Great Grandfather-in-law

2

Grandfather-in-law

1 3

Father-in-law Uncle-in-law

1 2

Trustee Spouse Brother-in-law

1 3

Step Child Nephew-in-law

2

Step Grandchild

3

Step Great Grandchild

Montana Code Annotated References

2-16-502

2-2-103

2-2-105

2-2-121

2-2-302

20-1-201

20-9-204

Title 2, Chapter 2, Part 1

Description

Resignations

Public Trust

Ethical Requirements

Rules of Conduct

Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice

School Officials not to Act as Agents

Conflicts of Interest letting contracts, and calling for bids -- exceptions

Standards of Conduct

Cross References

5120

5120-F(1)

5120-P(1)

5120-P(2)

5120-F(2)

5120-F(3)

5120-F(4)

Description

[Hiring Process and Criteria](#)

[Hiring Process and Criteria - Authorization.Fingerprinting](#)

[Hiring Process and Criteria - Fingerprint Background Handling Procedure](#)

[Hiring Process and Criteria - Qualifications of Certified Staff](#)

[Hiring Process and Criteria - Criminal History Dissemination Log](#)

[Hiring Process and Criteria - Determination Form](#)

[Hiring Process and Criteria - Letter of Intent](#)

Cross References

5120-F(5)

Description

[Hiring Process and Criteria - Privacy Act Statement](#)

PENDING

Policy 1520: Board/Staff Communications

Status: ADOPTED

Original Adopted Date: 03/31/2004 | **Last Reviewed Date:** 03/31/2004

Board/Staff Communications

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

Staff Communications to the Board

All official communications or reports to the Board, from principals, supervisors, teachers, or other staff members, shall be submitted through the Superintendent.

Board Communications to Staff

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

Visits to Schools

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

Social Interaction

Staff and Board member(s) share a keen interest in the schools and education. When they meet at social affairs and other functions, informal discussion on such matters as educational trends, issues, and innovations and general District problems can be anticipated. Staff Grievances and/or negative discussions of personalities are not appropriate.

Montana Code Annotated References

2-3-103

Description

Public participation – governor to ensure guidelines adopted

20-3-324

Powers and duties

Cross References

1240

Description

[Duties of Individual Trustees](#)

Policy 1521: Board/Superintendent Relationship

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The successful operation of schools requires a close, effective working relationship between the Board and the Superintendent. The relationship must be one of trust, good will and candor. As the legally designated governing body, the Board retains final authority within the District. The Superintendent is the Board's Chief Executive Officer to whom the Board delegates management of the District.

Montana Code Annotated References

20-4-401

Description

Appointment and dismissal of district superintendent or county high school principal

20-4-402

Duties of district superintendent or county high school principal

Cross References

Description

1240

[Duties of Individual Trustees](#)

5120

[Hiring Process and Criteria](#)

5120-F(1)

[Hiring Process and Criteria - Authorization.Fingerprinting](#)

5120-P(1)

[Hiring Process and Criteria - Fingerprint Background Handling Procedure](#)

5120-P(2)

[Hiring Process and Criteria - Qualifications of Certified Staff](#)

5120-F(2)

[Hiring Process and Criteria - Criminal History Dissemination Log](#)

5120-F(3)

[Hiring Process and Criteria - Determination Form](#)

5120-F(4)

[Hiring Process and Criteria - Letter of Intent](#)

5120-F(5)

[Hiring Process and Criteria - Privacy Act Statement](#)

5122

[Fingerprints and Criminal Background Investigations](#)

5122-F(1)

[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)

5122-F(2)

[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)

6110

[Superintendent](#)

6110-P(1)

[Superintendent - Recruitment of Superintendent](#)

6110-P(2)

[Superintendent - Superintendent-Board Job Responsibilities](#)

6110-P(3)

[Superintendent - Evaluation Of Superintendent](#)

6110-P(4)

[Superintendent - Evaluation of Supt Reg](#)

6110-P(5)

[Superintendent - Duties of Superintendent](#)

Policy 1532: Trustee Insurance

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 11/08/2011 | **Last Reviewed Date:** 11/08/2011

The District shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the District and within his/her authority as a Trustee. The level of insurance coverage shall be determined on an annual basis by a majority vote of the Trustees

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

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

Montana Code Annotated References

Description

20-3-331

Purchase of insurance – self-insurance plan

20-3-332

Personal immunity and liability of trustees

20-3-352

Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy 1610: Goals and Objectives

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The Board of Education accepts ultimate responsibility for all aspects of school system operations. Because it is accountable to residents of the District, the Board will maintain a program of *annual* accountability and strategic planning consisting of the following elements:

- * Statements of goals and objectives related to operations, fiscal accountability and educational services provided to students in order to maintain the District’s vision;
- * Provision of resources to accomplish stated goals and objectives;
- * Evaluation of all operations, instructional programs and services;
- * Evaluation of the efforts of all employees and of the Board itself, consistent with stated goals, objectives and expectations.

At the conclusion of each fiscal year, the superintendent will submit a report to the Board, suitable for public consumption, which shall reflect the degree to which the annual goals and objectives have been accomplished.

Montana Code Annotated References

20-1-101

Description

Definitions

Administrative Rules of Montana References

10.55.602

Description

Definition of Internship

10.55.603

Curriculum and Assessment

10.55.701

Board of Trustees

10.55.714

Professional Development

10.55.723

Integrated Strategic Action Plan

10.55.804

Gifted and talented

10.55.805

Children with Disabilities

10.55.806

English Language Learners

Cross References

Description

1620

[Evaluation of Board](#)

2000

[Goals](#)

2120

[Curriculum and Assessment](#)

2162

[Section 504](#)

2162-P(1)

[Section 504](#)

2166

[Gifted Program](#)

2410

[High School Graduation Requirements](#)

2410-P(1)

[High School Graduation Requirements - Early Graduation](#)

5121

[Applicability of Personnel Policies and Professional Development](#)

Policy 1620: Evaluation of Board

Status: ADOPTED

Original Adopted Date: 03/31/2004 | **Last Reviewed Date:** 03/31/2004

At the beginning and/or conclusion of each year, the Board may review its Strategic Plan in relation to performance in terms of generally accepted principles of successful Board operations.

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

Cross References

1610

Description

[Goals and Objectives](#)

PENDING

Policy 1621: In-Service for Trustees

Status: ADOPTED

Original Adopted Date: 03/31/2004 | **Last Reviewed Date:** 03/31/2004

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

PENDING

Policy 1640: Board Participation in Activities

Status: ADOPTED

Original Adopted Date: 04/13/2021 | **Last Reviewed Date:** 03/09/2021

Board Participation in Activities

Members of the Board, collectively and individually, are encouraged to attend school activities, social functions, and instructional programs in order to view and observe such functions in operation.

Attendance at such programs as musical presentations, speech activities, clubs, dramatic productions, and athletic events, indicates interest in school affairs and provides opportunity for more comprehensive understanding of the total school program.

Administration will provide appropriate communications to trustees to keep them informed about activities they may wish to attend.

PENDING

Policy 1700: Uniform Complaint Procedure

Status: ADOPTED

Original Adopted Date: 05/30/2007 | **Last Revised Date:** 03/09/2021 | **Last Reviewed Date:** 03/09/2021

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

The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board.

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

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

Level 1: Informal

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

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: 1) the nature of the complaint; 2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and 3) the remedy or resolution requested. This written complaint must be filed within fifteen (15) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the superintendent to ensure the intent of this uniform complaint procedure is honored.

When a complaint alleges violation of Board policy or procedure, the building administrator will investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within fifteen (15) calendar days of the administrator's receipt of the complaint.

If the complainant has reason to believe the decision was made in error, the complainant 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) 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 Administrator shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

Level 3: Superintendent

If the complainant appeals the administrator's decision provided for in Level 2, the Superintendent will review the complaint and the administrator's decision. The Superintendent will respond in writing to the appeal, within fifteen

(15) days of the Superintendent's receipt of the written appeal. In responding to the appeal, the Superintendent may: 1) meet with the parties involved in the complaint; 2) conduct a separate or supplementary investigation; 3) engage an outside investigator or other District employees to assist with the appeal, and/or 4) take other steps appropriate or helpful in resolving the complaint.

If the complainant, has reason to believe the decision was made in error they 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) days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 4: The Board

Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal law or board policy upon which the board has the authority to remedy, the Board may 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 or 3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. If the chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Montana Code Annotated References

20-20-108

Description

Rescheduling Of School Election Canceled Due To Declaration Of State Of Emergency Or Disaster

20-3-210

Controversy appeals and hearings

20-5-323

Require trustees to adopt a grievance policy

Administrative Rules of Montana References

Description

10.55.701

Board of Trustees

Title 10 Chapter 6

Rules of Procedure for All School Controversy Contested Cases Before the County Superintendent

United States Constitution References

Description

First Amendment

Right to petition the Government for a redress of grievances

United States Code References

Description

20 U.S.C. 1681, et seq.

Title IX of the Education Amendments of 1972

29 USC 701, et seq

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

Cross References

Description

1400

[Board Meetings](#)

1420-P(1)

[School Board Meeting Procedure - Meeting Conduct-Order of Business \(Roberts Rules\)](#)

1420-P(2)

[School Board Meeting Procedure - Agenda Preparation](#)

1420-P(3)

[School Board Meeting Procedure - Closed Sessions](#)

1420-P(4)

[School Board Meeting Procedure - Minutes of Board Meetings](#)

1420-P(5)

[School Board Meeting Procedure - Public Participation at Board Meetings](#)

1420-NF(1)

[School Board Meeting Procedure - Notice Regarding Public Comment](#)

Cross References

2132

2309-P(1)

2309-P(2)

2309-P(3)

2309-P(4)

2309-P(5)

2309-NF(1)

2309-NF(2)

2310

2311

2314

2330

3125

3210

3210-P(1)

3225

3225-P(1)

3226

5002

5010

Description[Student and Family Privacy Rights](#)[Library Program and Materials - Library Collection Development – Code of Ethics](#)[Library Program and Materials - Library Collection Development – Library Bill of Rights](#)[Library Program and Materials - Library Collection Development – Instructions to Reconsideration](#)[Library Program and Materials - Library Collection Development – Freedom to Read Statement](#)[Library Program and Materials - Library Collection Development – Confidentiality of Library Records](#)[Library Program and Materials - Library Collection Development – Sample Letter](#)[Library Program and Materials - Library Collection Development – Request for Reconsideration Form](#)[Selection of Library Materials](#)[Instructional Materials](#)[Instructional and Library Materials Review](#)[Controversial Issues and Academic Freedom](#)[Education of Homeless Children](#)[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)[Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity](#)[Sexual Harassment of Students](#)[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)[Bullying](#)[Accommodating Individuals With Disabilities](#)[Equal Employment Opportunity, Nondiscrimination, and Sex Equity](#)

Policy 1005FE: Proficiency-Based ANB

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

It is the policy of the District to increase the flexibility and efficiency of the District’s resources by utilizing the provision of law allowing proficiency-based ANB.

At the discretion of the District, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the District’s curriculum and assessment requirements, which are aligned with the content standards stated in the education program. Examples of acceptable course work include, but are not necessarily limited to, those delivered through correspondence, extension, and distance learning courses, adult education, summer school, work study, specially designed courses, and challenges to current courses.

Montana Code Annotated References

	Description
20-1-301	School Fiscal Year
20-3-324	Powers and duties
20-7-1601	Transformational Learning - Legislative Intent
20-9-311	Calculation of Average Number Belonging

Administrative Rules of Montana References

	Description
10.55.906	High School Credit

Cross References

	Description
2050	Innovative Student Instruction
2100	School Calendar and Day
2100-P(1)	School Calendar and Day - Schedules and Programs
2140	Guidance and Counseling
2162	Section 504
2162-P(1)	Section 504
2166	Gifted Program
2600	Work Based Learning
2600-P(1)	Work Based Learning - Work-Based Learning Experience
2600-NF(1)	Work Based Learning - Work Based Learning Agreement

Policy 1006FE: Transfers for School Safety

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

It is the policy of the District to increase the flexibility and efficiency of the District’s resources by utilizing the provision of law allowing transfers of funds to improve school safety and security.

The District may transfer state or local revenue from any budgeted or non-budgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school safety and security

The transfer of such funds can be for:

1. planning for improvements to school safety, including but not limited to the cost of services provided by architects, engineers, and other consultants;
2. installing or updating locking mechanisms and ingress and egress systems at public school access points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using contemporary technologies;
3. installing or updating bullet-resistant windows and barriers; and
4. installing or updating emergency response systems using contemporary technologies.

Any transfers made under this policy and Montana law are not considered expenditures to be applied against budget authority. Any revenue transfers that are not encumbered for expenditures by June 30, 2019, must be transferred back to the originating fund from which the revenue was transferred.

If transfers of funds are made from a District fund supported by a non-voted levy, the District may not increase its non-voted levy for the purpose of restoring the transferred funds.

Montana Code Annotated References

20-9-325

Description

Budgeting, tax levy, and use of building reserve fund.

20-9-326

Transfer of funds – improvements to school safety and security

Cross References

8301

Description

[District Safety](#)

8301-P(1)

[District Safety - ATF Bomb Threat Checklist](#)

8301-P(2)

[District Safety - Bomb Threat History Form](#)

8301-P(3)

[District Safety - Bomb Threat](#)

8301-P(4)

[District Safety - Bomb Threat Procedures](#)

8301-P(5)

[District Safety - Missing School Children](#)

Policy 1007FE: Multidistrict Agreements

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing multidistrict agreements whenever possible.

Montana law (20-3-363, MCA) allows the boards of trustees of any two or more school districts to enter into a multidistrict agreement to create a multidistrict cooperative to perform any services, activities, and undertakings of the participating districts and to provide for the joint funding and operation and maintenance of all participating districts upon the terms and conditions as may be mutually agreed to by the districts

The agreement must be approved by the boards of trustees of all participating districts and must include a provision specifying terms upon which a district may exit the multidistrict cooperative. The agreement may be for a period of up to 3 years.

All expenditures in support of the multidistrict agreement may be made from the interlocal cooperative fund as specified in [20-9-703](#) and [20-9-704](#). Each participating district of the multidistrict cooperative may transfer funds into the interlocal cooperative fund from the district's general fund, budgeted funds other than the retirement fund or debt service fund, or non-budgeted funds other than the compensated absence liability fund. Transfers to the interlocal cooperative fund from each participating school district's general fund are limited to an amount not to exceed the direct state aid in support of the respective school district's general fund. Transfers from the retirement fund and debt service fund are prohibited. Transfers may not be made with funds restricted by federal law unless the transfer is in compliance with any restrictions or conditions imposed by federal law.

Expenditures from the interlocal cooperative fund are limited to those expenditures that are permitted by law and that are within the final budget for the budgeted fund from which the transfer was made.

If transfers of funds are made from a District fund supported by a non-voted levy, the District may not increase its non-voted levy for the purpose of restoring the amount of funds transferred.

Examples of flexibility under this policy and Montana Law include but are not limited to:

- A district with a separate high school and elementary budget can enter into an agreement within the district;
- A district may enter into an agreement with any other school district(s) for the sharing of resources, including supplies, services, personnel, etc.

Montana Code Annotated References

	Description
20-3-363	Multidistrict agreements – fund transfers
20-9-703	District as prime agency
20-9-704	District as cooperating agency

Cross References

	Description
1332	Authorization of Signatures
1332-P(1)	Authorization of Signatures - Consultants

Cross References

1332-P(2)

Description

[Authorization of Signatures - School District Bank Accounts](#)

PENDING

Policy 1009FE: Recruitment and Retention - Flexible Instructor Licensing

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Revised Date:** 01/29/2020 | **Last Reviewed Date:** 01/29/2020

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing the provision of law allowing flexibility in licensure of instructors and as a means of addressing recruitment and retention of staff. Flexibilities in the following areas are available for the District's enhancement of its programs and services to enhance student achievement.

- Internships
 - Available to anyone with a current license and endorsement in one subject who wants to move to a new licensed role/endorsed area.
 - Requirements must be satisfied within 3 years
 - Must include a plan between the intern, the school district and an accredited preparation program

- Provisionally Certified
 - May be issued to an otherwise qualified applicant who can provide satisfactory evidence of:
 - The intent to qualify in the future for a class 1 or class 2 certificate and
 - Who has completed a 4-year college program or its equivalent, and
 - Holds a bachelor's degree from a unit of the Montana university system or its equivalent.

- Substitutes
 - Must have a HiSET/GED or high school diploma
 - Will have completed 3 hours of training by the district
 - Will have submitted a fingerprint background check (All requirements can be waived by the district if the substitute has prior substitute teaching experience in another public school from November 2002 to earlier)
 - May not substitute more than 35 consecutive days for the same teacher, however the same substitute can be used for successive absences of different staff as long as each regular teacher for whom the substitute is covering is back by 35 consecutive teaching days

- Retired Educators
 - School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher
 - No limit on the district
 - Retired teacher must have 30 years of experience in TRS
 - There is a 3-year lifetime limit on the retired individual going to work under this provision

- Class 4 for CTE
 - Valid for a period of 5 years
 - Renewable pursuant to the requirements of 10.57.215, ARM and the requirements specific to each type of Class 4 license.
 - 4A – for licensed teachers without a CTE endorsement
 - 4B – for individuals with at least a bachelor’s degree
 - 4C – for individuals with a minimum of a high school diploma or GED

- Class 5 alternatives
 - Good for a maximum of 3 years
 - Requirements dependent upon the alternative the district is seeking

- Emergency authorization of employment
 - Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
 - Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist

Montana Code Annotated References

Montana Code Annotated References	Description
19-20-72	Reemployment of Certain Teachers
19-20-732	Reemployment of certain retired teachers, specialists and administrators – procedure –
20-4-120	Alternative Teacher Credentialing
20-4-501	Educator Loan Repayment Assistance
20-4-504	Quality Educator Loan Assistance Program

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.55.607	Internships
10.55.716	Substitute Teachers
10.57.107	Emergency Authorization of Employment
10.57.215	Renewal Requirements
10.57.420	Class 4 Career and Technical Education License
10.57.424	Class 5 Provisional License

Policy 1011FE: Cooperative Purchasing

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow for cooperative purchasing without the formalities of the bidding process.

The District may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. This allows the District to participate in a cooperative purchasing group to purchase supplies and services through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

An example of flexibility under this policy and Montana Law includes but is not limited to the Montana Cooperative Services (MCS) Program.

Montana Code Annotated References

20-9-204

Description

Conflicts of Interest letting contracts, and calling for bids -- exceptions

Cross References

1332

Description

[Authorization of Signatures](#)

1332-P(1)

[Authorization of Signatures - Consultants](#)

1332-P(2)

[Authorization of Signatures - School District Bank Accounts](#)

Policy 1012FE: Non-voted Levy for Excess IDEA Costs

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

It is the policy of the District to increase the flexibility and efficiency of the District’s resources by utilizing provisions in law that allow the District to levy amounts necessary to provide FAPE to resident students with special needs.

In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil, a school district may also include in its tuition levy an amount necessary to pay for the full costs of providing a free appropriate public education to any child with a disability who lives in the District. The amount of the levy imposed for the costs associated with educating each child with a disability must be limited to the actual cost of service under the child's individualized education program minus:

- (A) the student's state special education payment;
- (B) the student's federal special education payment;
- (C) the student's per-ANB amount;
- (D) the prorated portion of the district's basic entitlement for each qualifying student; and
- (E) the prorated portion of the district's general fund payments in [20-9-327](#) through [20-9-330](#) for each qualifying student.

Montana Code Annotated References

Description

20-5-324	Tuition report and payment provisions
20-9-327	Quality Educator Payment
20-9-328	At-Risk Student Payment
20-9-329	Indian education for all payment
20-9-330	American Indian achievement gap payment

Policy 2000: Goals

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Revised Date:** 04/13/2000 | **Last Reviewed Date:** 04/13/2000

Browning Public Schools will provide equal opportunities for all students to obtain an education, commensurate with individual abilities that will allow students to take their place in society and the community as contributing, responsible adults with skills that will facilitate successful pursuit of post secondary goals.

Browning Public Schools shall offer elementary and secondary instructional programs that are of high quality address the Board vision and merit acceptance under the standards established by the legislature of the State of Montana and the Board of Public Education. Browning High School shall maintain the standards of the Northwest Association of Secondary and High Schools. Instruction coordination between elementary and high school programs will be maintained.

Browning Public Schools shall strive to develop, implement and evaluate instructional programs in order to provide all students with the skills, knowledge base and values that will result in the following student characteristics:

- 1) Fundamental, basic skill competencies that allow for all people to strive for attainment of their individual potential through a lifelong commitment to learning.
- 2) Demonstration of a core belief system that contributes to people engaging in moral and ethical behavior based on sound emotional, moral and social values.
- 3) The skills to apply knowledge so that all persons shall have the opportunity to attain occupational competence.
- 4) Awareness of how individual choices contribute to physical health and emotional well being.
- 5) Understanding of natural resources and sensitivity to the need to plan and carefully consider the impact of man-made and natural events on the environment.
- 6) Appreciation for the arts, language, history, and culture our community and region, as well as other societies and regions.
- 7) Technological competencies that will allow the person to adapt to future technological change and impact.
- 8) Willingness to take part in and contribute to the maintenance of a representative form of governance.

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Cross References

1610

Description

[Goals and Objectives](#)

2120

[Curriculum and Assessment](#)

2130

[Program Evaluation and Diagnostic Tests](#)

2132

[Student and Family Privacy Rights](#)

2450

[Indian Education for All](#)

Policy 2050: Innovative Student Instruction

Status: ADOPTED

Original Adopted Date: 11/30/2021 | **Last Reviewed Date:** 11/30/2021

Instruction

The School District has adopted the protocols outlined in this policy to ensure the delivery of education services to students onsite at the school, offsite at other locations using available resources. The District administration or designated personnel are authorized to implement this policy.

As outlined in District Policy 2100, and except for students determined by the School District to be proficient using School District assessments, the adopted calendar has a minimum number of 720 aggregate instructional hours for students in kindergarten through third grade; 1,080 hours for students in fourth through eleventh grade and 1,050 hours for students in twelfth grade.

The School District may satisfy the aggregate number of hours through any combination of onsite, offsite, and online instruction. The District administration is directed to ensure that all students are offered access to the complete range of educational programs and services for the education program required by the accreditation standards adopted by the Montana Board of Public Education.

For the purposes of this policy and the School District's calculation of ANB and "aggregate hours of instruction" within the meaning of that term in Montana law, the term "instruction" shall be construed as being synonymous with and in support of the broader goals of "learning" and full development of educational potential as set forth in Article X, section 1 of the Montana Constitution. Instruction includes innovative teaching strategies that focus on student engagement for the purposes of developing a students' interests, passions, and strengths. The term instruction shall include any directed, distributive, collaborative and/or experiential learning activity provided, supervised, guided, facilitated, work based, or coordinated by the teacher of record in a given course that is done purposely to achieve content proficiency and facilitate the learning of, acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full educational potential of each child.

Staff shall calculate the number of hours students have received instruction as defined in this policy through a combined calculation of services received onsite at the school or services provided or accessed at offsite or online instructional settings including, but not limited to, any combination of physical instructional packets, virtual or electronic based course meetings and assignments, self-directed or parent-assisted learning opportunities, and other educational efforts undertaken by the staff and students that can be given for grade or credit. Staff shall report completed hours of instruction as defined in this policy to the supervising teacher, building principal, or district administrator for final calculation.

In order to comply with the requirements of the calendar, District Policy and Section 20-1-301, MCA, the District shall implement the instructional schedules and methods identified in this policy.

Offsite Instruction

The Board of Trustees authorizes offsite instruction of students in a manner that satisfies the aggregate number of instructional hours outlined in the School District's adopted or revised calendar for a school year. Offsite delivery methods shall include a complete range of educational services offered by the School District and shall comply with the requirements of applicable statutes. Students completing course work through an offsite instructional setting shall be treated in and have their hours of instruction calculated in the same manner as students attending an onsite institutional setting.

Offsite instruction is available to students:

1. meeting the residency requirements for that district as provided in 1-1-215;
2. living in the district and eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
3. attending school in the district under a mandatory attendance agreement as provided in 20-5-321;
4. attending school in the nearest district offering offsite instruction that agrees to enroll the student when the

student's district of residence does not provide offsite instruction in an equivalent course in which the student is enrolled. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit, advanced placement, and career certification. Attendance under this provision is subject to approval of the Trustees.

The Board of Trustees authorizes the supervising teacher or district administrator to permit students to utilize an offsite or online instructional setting at when circumstances require.

Proficiency-Based Learning

The Board of Trustees authorizes proficiency-based learning and ANB calculation in situations when a student demonstrates proficiency in a course area as determined by the Board of Trustees using District assessments consistent with District Policy 1005FE, or other measures approved by the Board of Trustees.

The Board of Trustees waives the minimum number of instructional hours for students who demonstrate proficiency in a course area using district assessments that include, but are not

limited to, the course or class teacher's determination of proficiency as defined by the Board of Trustees. This determination shall be based on a review of the student's completed coursework, participation in course delivery, and other methods applicable to the specific course or class. The Board of Trustees authorizes the use of the proficiency determination process for students who have selected this method of delivery, students for whom the School District is unable to document satisfaction of the required minimum aggregate number of hours through the offsite or

onsite methods outlined in this policy, or other students whom School District personnel determine satisfy the definition of proficient or meeting proficiency.

This provision is based in the declaration by the Montana Legislature that any regulation discriminating against a student who has participated in proficiency-based learning is inconsistent with the Montana Constitution.

Montana Code Annotated References

Montana Code Annotated References	Description
20-1-101	Definitions
20-1-301	School Fiscal Year
20-6-101	Definition of elementary and high school districts
20-7-118	Offsite Provision of Educational Services
20-7-1601	Transformational Learning - Legislative Intent
20-9-311	Remote Instruction
20-9-311	Calculation of Average Number Belonging

Montana Constitution References

Montana Constitution References	Description
Article X, section 1	Educational Goals and Duties

Cross References

1005FE
2100
2100-P(1)
2162
2162-P(1)
2166
2168
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2170-P(1)
2221
2410
2410-P(1)
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2600
2600-P(1)
2600-NF(1)
3121
3121-P(1)
3150
3612
3612-P(1)
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Description

[Proficiency-Based ANB](#)
[School Calendar and Day](#)
[School Calendar and Day - Schedules and Programs](#)
[Section 504](#)
[Section 504](#)
[Gifted Program](#)
[Remote Instruction from Non-District Sources](#)
[Digital Academy Classes](#)
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[High School Graduation Requirements](#)
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[Grading and Progress Report](#)
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[Work Based Learning](#)
[Work Based Learning - Work-Based Learning Experience](#)
[Work Based Learning - Work Based Learning Agreement](#)
[Enrollment and Attendance Records](#)
[Enrollment and Attendance Records - Homebound](#)
[Part-Time Enrollment](#)
[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)
[School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks](#)
[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

Policy 2100: School Calendar and Day

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Reviewed Date:** 08/28/1996

Browning Public Schools shall develop, establish, and evaluate schedules and programs that contribute to creating and maintaining a sound learning environment that is focused on contributing to student achievement.

School Calendar

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

School Fiscal Year

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

- a) A minimum of 360 aggregate hours for a kindergarten program;
- b) 720 hours for grades 1 through 3;
- c) 1080 hours for grades 4 through and 12; and
- d) 1050 hours may be sufficient for graduating seniors.

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

- 1. Pre-school staff orientation (not to exceed two (2) days);
- 2. Staff in-service training programs; and
- 3. Parent/Teacher Conferences

School Day

The District shall provide the number of hours of pupil instruction required by Montana law.

Commemorative Holidays

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

Saturday School

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

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

Instructional Schedules

The building principal shall develop staff schedules, class schedules, activities, and staff development training opportunities, which are related to the District's strategic planning and contribute to creating a sound teaching/learning environment. Proposals for scheduled instructional activities are subject to approval by the Superintendent and may require Curriculum Council input and approval.

All program offerings related to student services provided by Browning Public Schools (i.e. guidance and counseling, special education, health and 504 planning) will occur within the guidelines established by federal and state regulations.

Professional Development Committee

The Superintendent or his designee will appoint a committee for the purpose of developing a comprehensive professional development plan for the school district. A majority of the committee's members will be teachers currently serving in the district. The professional development plan should be aligned with the mission and goals of the school district.

Extended School Year

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

Montana Code Annotated References

	Description
20-1-301	School Fiscal Year
20-1-302	School Term, Day, Week
20-1-303	Conduct of School on Saturday or Sunday Prohibited - Exceptions
20-1-304	Pupil Instruction Related Day
20-1-306	Commemorative Exercises on certain days
20-9-311	Calculation of Average Number Belonging

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.714	Professional Development
10.55.906	High School Credit
10.65.101	PIR Days for Base Funding
10.65.103	Program for PIR Days

Cross References

	Description
1005FE	Proficiency-Based ANB
2050	Innovative Student Instruction
2140	Guidance and Counseling
2221	School Emergency and Closure

Procedure 2100-P(1): School Calendar and Day - Schedules and Programs

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Browning Public Schools shall develop, establish, and evaluate schedules and programs that contribute to creating and maintaining a sound learning environment that is focused on contributing to student achievement. The building principal shall develop staff schedules, class schedules, activities, and staff development training opportunities, which are related to the District’s strategic planning and contribute to creating a sound teaching/learning environment. Proposals are subject to approval by the Superintendent and may require Curriculum Council input and approval.

The school calendar shall include at least 180 instructional days and 7 PIR days, in accordance with standards established by the legislature of the State of Montana and the Board of Public Education. The school calendar shall be adopted by the Board of Trustees.

A field trip requiring bus transportation away from the physical school site and schedule variation, a written permission slip from the parent or guardian will be required. The parent or guardian will be notified in writing as to the date, time of departure and estimated time of return.

All program offerings related to student services provided by Browning Public Schools (i.e. guidance and counseling, special education, health and 504 planning) will occur within the guidelines established by federal and state regulations.

Montana Code Annotated References

	Description
20-1-301	School Fiscal Year
20-1-302	School Term, Day, Week
20-1-303	Conduct of School on Saturday or Sunday Prohibited - Exceptions
20-1-304	Pupil Instruction Related Day
20-1-306	Commemorative Exercises on certain days
20-9-311	Calculation of Average Number Belonging

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.714	Professional Development
10.55.906	High School Credit
10.65.101	PIR Days for Base Funding
10.65.103	Program for PIR Days

Cross References

	Description
1005FE	Proficiency-Based ANB
2050	Innovative Student Instruction
2140	Guidance and Counseling
2221	School Emergency and Closure

Policy 2105: Grade Organization

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Revised Date:** 07/11/2017 | **Last Reviewed Date:** 07/11/2017

The District has instructional levels for Grades early kindergarten through twelve and provides preschool services to preschool age children ages 3-5 who meet eligibility for special education services. The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

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

A student will be assigned to an instructional group or a classroom reflecting a mix of student population that represents an array of learning styles and skills. The assigned classroom will be chosen on the basis of the environment that best serve the needs of that individual while still considering the rights and needs of other students. Factors to be considered in classroom assignments are: class size, peer relations, student/teacher relations, instructional style of individual teachers, and any other variables that will affect the performance of the student.

The criteria for grouping should be based upon the learning goals and objectives being addressed and the student's ability to achieve those purposes.

Montana Code Annotated References

20-6-501

Description

Definition of various schools

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

10.55.712

Class Size Elementary

10.55.713

Teacher load and class size

Policy 2113: PreKindergarten Program

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Preschool services will be available to all children identified as having an educational disability age 3-5.

The objectives of the program are to:

1. identify children with significant difficulties of a social/emotional, language development, learning and/or physical nature;
2. provide an educational experience that will ameliorate or eliminate these problems at an early age, thereby deterring adjustment and/or learning problems from developing in subsequent years;
 1. afford experiences for parents/guardians of children with disabilities through a volunteer aide program whereby they can become oriented to the task of the school and how their role as parents might relate to the task as it affects their children;
 4. engage in direct service delivery in the least restrictive environment that meets the child's needs through cooperative, interagency efforts;
5. provide training opportunities and consultative services for community agency staff that serve young children and their families; and
6. engage in transition activities between preschool and kindergarten experience that will contribute to the child's success in school.

Montana Code Annotated References

Description

20-7-117

Kindergarten and preschool programs

Policy 2120: Curriculum and Assessment

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Curriculum Evaluation

Evaluation of curriculum will address the implementation of adopted curriculum and how curriculum has contributed student achievement.

Each year, the Superintendent shall determine the degree to which adopted District curriculum and instructional programs are being developed and implemented. Lesson plans and instructional observations will be analyzed as indications of adherence to District curriculum guidelines.

The effectiveness of curriculum adoption and instruction will be measured by student achievement. State prescribed normative assessment and curriculum based grade level exit assessments for core curriculum areas will function as the basis for measurement.

Summary reports of curriculum implementation and adoption submitted annually shall provide the Board with the necessary information to make future program improvement decisions.

At the district and building levels curriculum committees will be formed and will operate for the purpose of curriculum evaluation, curriculum revision and other curriculum improvement activities.

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-402	Duties of district superintendent or county high school principal
20-7-602	Textbook selection and adoption

Administrative Rules of Montana References

	Description
10.55.603	Curriculum and Assessment
10.55.701	Board of Trustees

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1610	Goals and Objectives
2000	Goals
2130	Program Evaluation and Diagnostic Tests
2132	Student and Family Privacy Rights

Policy 2123: Lesson Plan

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Well developed instructional planning promotes adherence to curriculum, continual student progress, frequent assessment, and increased time on task.

Lesson plans shall be submitted to the building principal weekly. Lesson plans will indicate the expected learner outcomes, activities, needed materials, assessment, re-teaching and enrichment activities.

Building principals are required to collect and analyze lesson plans to determine the relationship of instructional planning to curriculum, sequenced skill instruction, and learning experience design which is likely to increase student achievement.

PENDING

Policy 2130: Program Evaluation and Diagnostic Tests

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

The Board of Trustees actively seeks to measure the effectiveness of programs and needs of students in order to create, modify and monitor the appropriateness of instructional offerings.

Methods and means of evaluation and measurement will reflect best practice. Data samples will be analyzed within the context of the assessment device’s stated purpose and design considerations. Data generated shall be treated in a confidential manner and shared within state and federal guidelines.

Parents or guardians who wish to examine any assessment materials related to their child may do so by contacting the building principal or Superintendent. Parental/guardian approval is necessary before administering an individual intelligence test or a diagnostic personality test related to determining eligibility for special services. Tests or measurement devices including questions about a student’s or the student’s family’s personal beliefs and practices in family life, morality and religion shall be administered with parental/guardian notification that they may request that their child be withdrawn from participating in the questionnaire or examination.

Administrative Rules of Montana References

Description

- | | |
|-----------|---------------------------|
| 10.55.603 | Curriculum and Assessment |
| 10.55.701 | Board of Trustees |
| 10.56.101 | Student Assessment |

United States Code References

Description

- | | |
|--------------|----------------------------|
| 20 USC 1232h | Protection of pupil rights |
|--------------|----------------------------|

Cross References

Description

- | | |
|-----------|----------------------------------------------------------|
| 1000 | Legal Status, Operation and Organization |
| 1000-P(1) | Legal Status, Operation and Organization |
| 2000 | Goals |
| 2120 | Curriculum and Assessment |
| 2132 | Student and Family Privacy Rights |

Policy 2132: Student and Family Privacy Rights

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

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:

Political affiliations or beliefs of the student or the student's parent/guardian

Mental or psychological problems of the student or the student's family;

Behavior or attitudes about sex;

Illegal, anti-social, self-incriminating or demeaning behavior;

Critical appraisals of other individuals with whom students have close family relationships;

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

Religious practices, affiliations or beliefs of the student or the student's parent/guardian;

Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

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

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

Instructional Material

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

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

Collection of Personal Information from students for Marketing Prohibited

The term "personal information," for the 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:

College or other post-secondary education recruitment or military recruitment;

Book clubs, magazines and programs providing access to low-cost literary products;

Curriculum and instructional materials used by elementary schools and secondary schools;

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;

The sale by students of products or services to raise funds for school-related or education related activities;

Student recognition programs.

Notification of Rights and Procedures

The superintendent or designee shall notify student's parents/guardians of:

This policy as well as its availability from the administration office upon request.

How to opt their child out of participation in activities as provided in this policy.

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

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 18 years of age or is an emancipated minor.

Montana Code Annotated References

40-6-701

Description

Interference with fundamental parental rights restricted

40-6-702

Fundamental Parental Rights

40-6-703

Increase parental involvement in education

Administrative Rules of Montana References

Description

10.55.601

Accreditation Standards: Procedures

10.55.701

Board of Trustees

10.55.722

Family and Community Engagement

United States Code References

Description

20 U.S.C. § 1232g, et seq.

Family Education Rights and Privacy Act

20 USC 1232h

Protection of pupil rights

20 USC 6318

Parent and Family Engagement

Cross References

1000

1000-P(1)

1700

2000

2120

2130

2335

3233

3410

3410-P(1)

3413

3600-P(2)

Description[Legal Status, Operation and Organization](#)[Legal Status, Operation and Organization](#)[Uniform Complaint Procedure](#)[Goals](#)[Curriculum and Assessment](#)[Program Evaluation and Diagnostic Tests](#)[Health Enhancement](#)[Student Use of Buildings](#)[Student Health](#)[Student Health - School Nurses](#)[Student Immunization](#)[Student Records - Special Student Records](#)

PENDING

Policy 2140: Guidance and Counseling

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Revised Date:** 09/29/2000 | **Last Reviewed Date:** 09/29/2000

Given the trust and status afforded school staff by students, staff will often be placed in the position of functioning as a “personal counselor” to a student in order to address the student’s needs. Staff communications in a counseling context with students are to be guided by the following principles:

- 1) Confidentiality will be maintained in accordance with the law. Situations, which indicate danger to self or others, will be reported to appropriate referral sources and the need to set aside confidentiality in such situations explained to the student.
- 2) The relationship between school personnel and students will be objective and free of “conflict of interest” related to any aspect of a personal relationship.
- 3) The staff member should be both competent and objective in dealing with the personal issues of students. If not, then appropriate referral is to be made.

Counseling relationships require rapport, active listening, and a commitment to cooperative work with families in order to resolve conflicts. Staff priorities in this relationship must operate within the contextual framework and awareness that parents and guardians are primary influences in the lives of their children. This primary relationship needs to be fostered and recognized generally in order to address the best interest of the child.

- 1) Parental involvement is to be solicited at the earliest appropriate time with the consent of the student. Should the student permit parental contact, impartial and professional support in addressing family conflict will be provided.
- 2) However, requests not to involve the parent by the student will be honored and the counseling relationship continued. The exception to this is that in the event that reasonable cause exists to suspect abuse or neglect. The matter will then be reported in writing promptly to the Department of Family Services or Blackfeet Family Services/Child Protection.

Browning Public Schools will also provide formal guidance and counseling services through appropriate personnel in accordance with standards established by the legislature of the State of Montana and the Board of Public Education.

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

Montana Code Annotated References

Montana Code Annotated References	Description
20-7-335	Career Coaches
49-3-203	Educational, counseling, and training programs

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.55.710	Assignment of School Counseling Staff
10.55.802	Opportunity and Educational Equity

Cross References

Cross References	Description
1005FE	Proficiency-Based ANB
2100	School Calendar and Day
2100-P(1)	School Calendar and Day - Schedules and Programs
2150	Suicide Awareness and Prevention

Policy 2150: Suicide Awareness and Prevention

Status: ADOPTED

Original Adopted Date: 11/26/2019 | **Last Reviewed Date:** 11/26/2019

The Administration shall develop and implement a youth suicide prevention program meeting minimum requirements set forth in 10.55.719, ARM. 12.

The District will provide professional development on youth suicide awareness and prevention to each employee of the district who work directly with any students enrolled in the school district. The training materials will be approved by the Office of Public Instruction (OPI). The District will provide, at a minimum, two (2) hours of youth suicide awareness and prevention training every five (5) years thereafter. All new employees who work directly with any student enrolled in the school district will be provided two (2) hours of training the first year of employment.

Youth suicide and prevention training may include:

- a. In-person attendance at a live training;
- b. Videoconference;
- c. An individual program of study of designated materials;
- d. Self-review modules available online; and
- e. Any other method chosen by the local school board that is consistent with professional development standards.

Prevention and Response

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

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

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

Montana Code Annotated References

20-7-1310

Description

Youth suicide awareness and prevention training

Administrative Rules of Montana References

10.55.720

Description

Suicide prevention and response

Cross References

2140

Description

[Guidance and Counseling](#)

Policy 2151: Interscholastic Activities

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Reviewed Date:** 08/08/2023

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

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

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

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

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

School Sponsored Student Activities

1. Student Organizations:

- a. All curricular student clubs or organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
- b. Bylaws and rules of curricular student clubs or organizations must not be contrary to Board policy or to administrative rules and regulations.
- c. Procedures in curricular student clubs or organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.
- d. Student led and initiated non-curricular student groups may meet at school in accordance with District Policy without the sponsorship of the School District.

2. Social Events

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

3. Extracurricular Activities

- a. Academic and behavior eligibility rules are established by MHSAA rules and District policy.
- b. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
- c. In establishing an interscholastic program, the Board directs the administration to:

- i. Open all sports to all students enrolled in the District, with an equal opportunity for participation.
 - ii. Open all sports to residents of the school district and who is at least 5 years of age and not more than 19 on or before September 10 of the year in which participation in extracurricular activities is sought by such child in accordance with the provisions of this policy.
 - iii. Recommend sports activities based on interest inventories completed by the students.
4. Participation in District Extracurricular Activities by Unenrolled Children
- a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home school meeting the requirements of section 20-5-109:
 - i. Is eligible to seek to participate in any extracurricular activity of the District that is offered to pupils of the district who are of the same age.
 - ii. Is subject to the same standards for participation as those required of full-time pupils enrolled in the school and the same rules of any interscholastic organization of which the school of participation is a member as specified in Section 3.a. and 3.b. of this policy and any related student or activity handbook provisions.
 - iii. Will be assessed for purposes of placement, team formation and cuts using the same criteria as used for full-time pupils enrolled in the District.
 - b. In cases where there is more than one school serving the same age group within District boundaries, a child under Section 4 of this policy shall be subject to the same school zone rules applicable to full-time pupils of the District. Participation for one school for one sport and another school for another sport is prohibited.
 - c. The academic eligibility for extracurricular participation for a student attending a nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the head administrator of the nonpublic school. No further verification shall be required.
 - d. The academic eligibility for extracurricular participation for a student attending a home school as specified under Section 4.a.ii shall be attested in writing by the educator providing the student instruction with verification by the school principal for the school of participation. The verification may not include any form of student assessment.
 - e. Students participating in extracurricular activities under Section 4 of this policy may be considered part-time enrollees for purposes of ANB in accordance with Policy 3150, 3121, and 3121P.

5. Designation of Athletic Teams

Unless otherwise prohibited by Policy 3210 or federal law, District sponsored athletic teams or sports designated for females, women, or girls may not be open to students who are biologically of the male sex. District sponsored athletic teams or events may be designated as one of the following based on biological sex in accordance with applicable MHSA rules, this Policy, federal law, Policy 3210, or the provisions of Section 6 of Chapter 405 (2021):

- a. males, men, or boys;
- b. females, women, or girls; or
- c. coed or mixed.

This section of this Policy is void 21 days after the date the United States Secretary of Education files a written report with the proper committees of the United States House of Representatives and the United States Senate as required by 34 CFR 100.8(c) due to the enforcement of Chapter 405 (2021).

Administrative Rules of Montana References

10.55.707

37.111.825

Description

Teacher and Specialist Licensure

Health Supervision and Maintenance

Cross References

3551

8130

8132

Description

[Student Drug Testing](#)

[Outdoor Air Quality Restrictions](#)

[Activity Trips](#)

PENDING

Policy 2162: Section 504

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover student's identification, evaluation and educational placement.

This system shall include: notice, an opportunity for the student's parent or legal guardian to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or legal guardian and a review procedure.

Administrative Rules of Montana References

10.16.3346

Description

Aversive Treatment Procedures

10.55.805

Children with Disabilities

United States Code References

29 USC 701, et seq

Description

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

Code of Federal Regulations References

34 CFR 104

Description

Section 504 of Rehabilitation Act

Cross References

1005FE

Description

[Proficiency-Based ANB](#)

1610

[Goals and Objectives](#)

2050

[Innovative Student Instruction](#)

3210

[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)

3210-P(1)

[Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity](#)

8111

[Transportation of Students With Disabilities](#)

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[Service Animals](#)

Procedure 2162-P(1): Section 504

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

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

- A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;
 - B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation and/or placement decision;
 - C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;
 - D. Upon receipt of a written request for an impartial due process hearing a copy of the written request shall be forwarded to all interested parties within three (3) business days;
 - E. Within ten (10) days of receipt of a written request for an impartial due process hearing the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the County Superintendent or any other person who would conduct the hearing in an impartial and fair manner;
 - F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;
 - G. Within five (5) days of the district's selection of a hearing officer, a pre-hearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard and stipulate to undisputed facts to narrow the contested factual issues;
 - H. The hearing officer shall, in writing, notify all parties of the date, time and location of the due process hearing;
 - I. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators;
 - J. At the hearing the District and the parent or legal guardian may be represented by counsel;
 - K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination and the Montana Rules of evidence will not apply. The hearing officer shall make all decision 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 s 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) 844-5694 or (303) 844-5696.
2. **Uniform Grievance 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 Grievance Procedure.

Administrative Rules of Montana References

10.16.3346

Description

Aversive Treatment Procedures

10.55.805

Children with Disabilities

United States Code References

29 USC 701, et seq

Description

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

Code of Federal Regulations References

34 CFR 104

Description

Section 504 of Rehabilitation Act

Cross References

1005FE

Description

[Proficiency-Based ANB](#)

1610

[Goals and Objectives](#)

2050

[Innovative Student Instruction](#)

3210

[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)

3210-P(1)

[Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity](#)

8111

[Transportation of Students With Disabilities](#)

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[Service Animals](#)

Policy 2166: Gifted Program

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Revised Date:** 06/29/2016 | **Last Reviewed Date:** 06/29/2016

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

Browning Public Schools' Board of Trustees is committed to addressing the needs of its student population including its gifted and talented student population.

To this end, the Superintendent or his or her designee is directed to articulate a service plan for gifted and talented students. Additional resources related to expanding staff development and interagency collaboration, which contribute to creating instructional opportunities to address the needs of gifted and talented students will be sought. To the extent possible within the resources available, all gifted and talented students shall have the opportunity to participate in appropriate educational programs.

The District shall:

1. Provide educational services to gifted and talented students that are commensurate to their needs, and foster a positive self-image.
2. Comply with all federal and state laws and regulations regarding addressing gifted education.
3. Provide structured support and assistance to teachers in identifying and meeting the diverse student needs of gifted and talented students, and shall provide a framework for considering a full range of alternatives for addressing student needs.

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

Montana Code Annotated References

Title 20, Chapter 7, part 9

Description

Gifted and Talented Children

Administrative Rules of Montana References

10.55.804

Description

Gifted and talented

Cross References

1005FE

Description

[Proficiency-Based ANB](#)

1610

[Goals and Objectives](#)

2050

[Innovative Student Instruction](#)

Policy 2168: Remote Instruction from Non-District Sources

Status: ADOPTED

Original Adopted Date: 02/12/2008 | **Last Reviewed Date:** 02/12/2008

Distance, Online, and Technology Delivered Learning

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

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

1. The distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the district and be aligned with state content and performance standards;
2. The district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs;
3. The district will provide qualified instructors and/or facilitators as described in ARM 10.55.907(3)(a)(b)(c);
4. The district will ensure that the distance, online, and technology delivered learning facilitators, receive in-service training on technology delivered instruction as described in ARM 10.55.907(3)(d); and
5. The district will comply with all other standards as described in ARM 10.55.907(4)(5)(a-e).

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

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

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

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

Montana Code Annotated References

Description

20-7-118

Offsite Provision of Educational Services

20-7-1601

Transformational Learning - Legislative Intent

Montana Code Annotated References

20-9-311

20-9-311

Title 20, Chapter 7, part 12

Description

Remote Instruction

Calculation of Average Number Belonging

Montana digital academy

Administrative Rules of Montana References

10.55.705

10.55.906

10.55.907

Description

Administrative personnel

High School Credit

Distance, online, and technology delivered education

Cross References

2050

2170

2170-P(1)

2410

2410-P(1)

3121

3121-P(1)

3612

3612-P(1)

3612-NF(1)

Description[Innovative Student Instruction](#)[Digital Academy Classes](#)[Digital Academy Classes](#)[High School Graduation Requirements](#)[High School Graduation Requirements - Early Graduation](#)[Enrollment and Attendance Records](#)[Enrollment and Attendance Records - Homebound](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

Policy 2170: Digital Academy Classes

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

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

MTDA is authorized by Montana law to charge fees for students to access offered courses. The District shall pay fees for students enrolled in an MTDA class that is required for graduation as specified in District policy or the student handbook or as determined by the Superintendent or designee. The District may charge students a reasonable fee for an MTDA course or activity not required for graduation. The Board of Trustees authorizes the Superintendent to waive the fee in cases of financial hardship.

The Superintendent, and/or designees, shall be responsible for developing procedures for the online learning program that address related topics that may include but are not limited to specification and determination of graduation requirements and fee collection for classes that are not required. Further, the online learning solutions providers ensure that:

- A. Online course providers are accredited by a nationally recognized accreditation program or agency or are approved and endorsed by the Montana Office of Public Instruction.
- B. Qualified district staff provides information and guidance to students and parents regarding the selection of appropriate online courses to meet their needs, as well as a suitable number of online courses in which a student may enroll.
- C. The curriculum requirements of the state and school district are met.
- D. All online courses taken by the students will be approved by the administration in advance of enrollment.
- E. All teacher-led online courses include licensed, highly qualified teachers.

Montana Code Annotated References

Montana Code Annotated References	Description
20-9-214	Fees
20-9-311	Calculation of Average Number Belonging
Title 20, Chapter 7, part 12	Montana digital academy

Cross References

Cross References	Description
2050	Innovative Student Instruction
2168	Remote Instruction from Non-District Sources
2410	High School Graduation Requirements
2410-P(1)	High School Graduation Requirements - Early Graduation
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound
3612	School-Provided Access to Electronic Information, Services, Equipment, and Networks
3612-P(1)	School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks
3612-NF(1)	School-Provided Access to Electronic Information, Services, Equipment, and Networks

Procedure 2170-P(1): Digital Academy Classes

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

The District will permit a student to enroll in Montana Digital Academy (MDA) classes in order that such student may include a greater variety of learning experiences within the student’s educational program or enroll in a class for credit recovery.

The District will allow students in grades 9-12 to enroll in the Montana Digital Academy program under the following conditions:

1. The student must be an enrolled student in the District.
2. A part-time student must be enrolled for a minimum of 180 aggregate hours of instruction as provided in 20-9-311(4)(a)(i). This can be an onsite or an MTDA class.
3. Determination of Montana High School Association (MHSA) eligibility will be based on eligibility rules established by MHSA. Students who wish to take MTDA classes and participate in MHSA activities must follow all extra-curricular eligibility rules.
4. The student will be required to take the class(es) during the Digital Academy course within the schedule.

OR: The student will have the option of taking the MTDA class(es) in the school building, during school time, or outside of the school building at a remote location, depending how and when such MTDA class(es) is/are offered.

5. Any MTDA course offered may be made available to a student in the discretion of the Superintendent or designee and all courses offered by MTDA shall be considered approved by the Board of Trustees for the applicable school fiscal year.
6. The District shall pay fees for students enrolled in a MTDA class that are required for graduation as specified in District policy or the student handbook or as determined by the Superintendent or designee. Classes defined as being required for graduation do not include classes offered by the district onsite as determined by the Superintendent or designee and will therefore be considered an elective class, subject to a student fee as referenced in this policy.
7. The District shall not charge students a fee for an elective MTDA course or activity not required for graduation. The Board of Trustees authorizes the Superintendent to waive the fee in cases of financial hardship.

Montana Code Annotated References

Montana Code Annotated References	Description
20-9-214	Fees
20-9-311	Calculation of Average Number Belonging
Title 20, Chapter 7, part 12	Montana digital academy

Cross References

Cross References	Description
2050	Innovative Student Instruction

Cross References

2168

2410

2410-P(1)

3121

3121-P(1)

3612

3612-P(1)

3612-NF(1)

Description[Remote Instruction from Non-District Sources](#)[High School Graduation Requirements](#)[High School Graduation Requirements - Early Graduation](#)[Enrollment and Attendance Records](#)[Enrollment and Attendance Records - Homebound](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks](#)[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

PENDING

Policy 2171: Significant Writing Program

Status: ADOPTED

Original Adopted Date: 12/13/1994 | **Last Revised Date:** 06/29/2016 | **Last Reviewed Date:** 06/29/2016

Teachers in all grades and content areas are directed to provide students with developmentally appropriate instruction in the writing process and the following elements of six-trait scoring/evaluation:

Writing Process

1. Pre-writing 4. Editing
2. Drafting 5. Publishing
3. Revision

Six Trait Scoring

1. Ideas and development 4. Word Choice
2. Organization 5. Sentence Fluency
3. Voice 6. Conventions

Instruction and Assessment: Instruction in writing process and six traits is to occur throughout the school year. Administration of the writing assessment must correspond to specific written directions accompanying the test and may not vary in any manner except as identified for accommodations noted on individual education or 504 plans for students with disabilities. Students will be assessed by district writing assessors for instructional and program effectiveness as well as District reporting.

Establish the writing assessment process including establishing grade level specific scoring rubrics to be used by the district writing assessors. SBE will receive the writing assessment data and review that data in order to recommend changes to the assessment process or the assessment instruments.

The regulated practice of the writing process and its corresponding ongoing assessment are key a component to developing students that communicate effectively. The writing process plays a vital role in Browning Public Schools. The District policy will facilitate practice, which reflects the intricate relationship between effective, consistent instruction of the writing process and corresponding ongoing assessment.

The Browning School District advocates implementation of a district writing framework in grades kindergarten through twelfth grade, which includes the following components:

A. Writing process instruction including the following:

1. planning
2. drafting
3. sharing
4. evaluating
5. revising
6. editing
7. publishing

B. Writing instruction using the following Common Core State Standards elements of authentic literacy, writing and AVID:

1. ideas and development
2. organization
3. voice
4. word choice
5. sentence fluency
6. conventions

C. Through daily, regular instruction and assessment, effective writing skills will be reinforced throughout a child's education in Browning Public Schools. It is the Board's expectation and the principals' and teachers' responsibility that writing and assessment instruction occur in kindergarten through twelfth grades through developmentally appropriate methods and in all content areas.

D. District Level - The superintendent is directed to ensure that a trained assessment team, comprised of representatives from each building is formed and maintained. The team will be responsible for the following:

1. scoring writing samples from the K-12 for district reporting,
2. providing training to all staff as well as extended day in-service and technical support when appropriate, and
3. recommending corrective methods that will increase program and instructional effectiveness.

E. Building Level - Each fall and spring all students in the K-12th grades will be assessed on designated days with adjustments made for alternating block schedules. Administration of the writing assessment must correspond to specific written directions accompanying the test and may not vary in any manner.

F. Data gathered from the assessment will be used to give information about student's writing strengths and weaknesses. Teachers are directed to discuss the results of the writing assessment scores with parents in the fall and spring of each year.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
10.55.713	Teacher load and class size

Procedure 2171-P(1): Significant Writing Program - Instructional Emphasis on Written Expression

Status: ADOPTED

Original Adopted Date: 12/13/1994 | **Last Reviewed Date:** 12/13/1994

The Superintendent is directed to ensure systematic study and regulated practice of writing as an important role in Browning Schools. Coordinated, complimentary instruction across core curriculum is essential in developing a sense of purpose and creating clear, well-developed written communication. The writing process will be directly taught and students' skill samples frequently evaluated according to the District adopted writing framework in all grade levels.

The Superintendent is directed to ensure that a trained assessment team, comprised of representatives from each building is formed and maintained in order to collect and evaluate district level written assessment. Formal District writing assessment results will be shared annually with the Board of Trustees.

The Superintendent shall direct building principals to ensure that the writing process is directly taught and student skill samples frequently evaluated across curriculum areas. Student written language samples will be attached to quarterly parent summary reports of student progress.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
10.55.713	Teacher load and class size

PENDING

Policy 2221: School Emergency and Closure

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Revised Date:** 11/30/2021 | **Last Reviewed Date:** 11/30/2021

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

The Board of Trustees is authorized to declare that a state of emergency exists within the community. A declaration issued by the Board of Trustees is distinct from any declaration in effect or previously issued by local, state or federal authorities. An emergency declaration issued by the Board of Trustees authorizes the School District to take extraordinary measures to protect students and staff while delivering education services in a manner authorized by law. The method and location of instruction and related educational services shall be implemented in a manner that serves the needs of students, their families, and staff and preserves the School District's full entitlement of funding.

The trustees may order the emergency closure of schools for one (1) school day each year, without the need to reschedule the lost pupil instruction time when the closure is the result of an emergency. The 1-school-day closure under this subsection is not subject to the reduction in BASE aid pursuant to Section 20-9-805, MCA.

In the event of a declared emergency, the School District shall avail itself of all flexibilities allowed by law, rule, or regulation and shall be otherwise governed by the school finance laws and rules of the state of Montana. The School District shall comply with auditing requirements and reserves the authority to assert its rights to manage school district funds or seek state and federal funds in a manner consistent with the full flexibility available under all applicable laws.

If a declaration of emergency is declared by the Board of Trustees, it may later adopt a resolution that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the resolution, the pupil-instruction time lost during the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a school district must conduct during the school year in order to be entitled to full BASE aid. At least 75% of the pupil-instruction time lost due to the unforeseen emergency must have been made up before the trustees can declare that a reasonable effort has been made.

For the purposes of this and related policies, "reasonable effort" means the rescheduling or extension of the school district's instructional calendar to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following as outlined in accordance with Policies 2050 and 2100:

- (a) extending the school year beyond the last scheduled day;
- (b) the use of scheduled vacation days in the district's adopted school calendar
- (c) the conduct of pupil instruction on Saturdays;
- (d) extending instructional hours during the school day.

Montana Code Annotated References

Title 20, Chapter 9, part 8

Description

Emergency School Closure

Cross References

2050

[Innovative Student Instruction](#)

2100

[School Calendar and Day](#)

2100-P(1)

[School Calendar and Day - Schedules and Programs](#)

6110

[Superintendent](#)

6110-P(1)

[Superintendent - Recruitment of Superintendent](#)

6110-P(2)

[Superintendent - Superintendent-Board Job Responsibilities](#)

6110-P(3)

[Superintendent - Evaluation Of Superintendent](#)

Cross References

6110-P(4)

6110-P(5)

8110

Description

[Superintendent - Evaluation of Supt Reg](#)

[Superintendent - Duties of Superintendent](#)

[Bus Routes and Schedules](#)

PENDING

Policy 2250: Community and Adult Education

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

The Board of Trustees authorizes the establishment of an adult education program. The course offerings in such program may include but shall not necessarily be limited to instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society, and/or any subject normally offered in the basic high school curricula of the school district.

Course Offerings:

Course offerings under the district's adult education program shall include and be regularly aligned with and focused on the subjects required for graduation under policy 2410, and further aligned with the district's curriculum and assessment requirements, and the content standards of the Board of Public Education. The Administration shall periodically compile, update and publish a list showing the corresponding course equivalency between adult education courses and the district's high school courses required for graduation.

Enrollment Qualifications:

The Board of Trustees authorizes the enrollment of any member of the community who is 16 years of age or older who is not a regularly enrolled, full-time pupil for the purposes of ANB computation as provided in 20-7-701, MCA, including part-time pupils subject to the limitations of this section.

Eligibility for enrollment of any part-time pupil who is 16 years of age or older is subject to the Administration's assurances that the concurrent enrollment in high school and adult education of any part-time pupil claimed as such for ANB computation is, when combined, equal to or less than the equivalent of three-quarter-time enrollment as defined in 20-9-311, MCA.

Primary Purpose 1: Credit Recovery/Improvement of Graduation Rates

A preference for enrollment in specific courses in the district's adult education program shall be accorded to any person:

1. Who has been previously enrolled as a pupil of the district in any of the 4 academic years prior to the year for which enrollment in the district's adult basic education program is sought;
2. Who has failed to previously earn a high school diploma; and
3. Who is seeking to enroll in any course required for graduation under policy 2410 that the person has not yet completed.

Upon the successful completion of all missing course work required for graduation by any person enrolled in the district's adult education program under this section, and provided the person is otherwise qualified, the district shall grant such person a high school diploma in accordance with policy 2410.

Primary Purpose 2: Post-Secondary Success and Readiness

A preference for enrollment in specific courses in the district's adult education program shall be accorded to any person:

1. Who is at least 16 years of age but who is not yet 19 years of age;
2. Who has not yet graduated and is enrolled in the high school district on no more than a part time basis or who has graduated and has been admitted by the trustees as a part time pupil pursuant to 20-5-101(3); and
3. Who is seeking to enroll in any advance placement, dual credit or concurrent credit course offered in collaboration with the Montana university system.

Any person enrolled in adult education courses under this section shall be responsible for any third party supplemental fees charged for participation in such courses, including but not limited to tuition charged by a postsecondary institution for courses granting college credit and advanced placement test fees charged by the College Board.

Primary Purpose 3: Additional Offerings for the Community Aligned with Business and economic Trends

Additional adult education offerings may be developed in collaboration with community representatives, subject to approval and authorization by the Board. Preference in the development of such additional offerings will be provided to course offerings aligned with and designed to address identified community needs for retraining and/or professional development caused by economic or other circumstances unique to the community.

Montana Code Annotated References

20-7-703

Description

Trustees' policies for adult education

Procedure 2309-P(1): Library Program and Materials - Library Collection Development - Code of Ethics

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

American Library Association Code of Ethics

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staff.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

1. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
7. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.
9. We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services, and allocation of resources and spaces.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; January 22, 2008; and June 29, 2021.

Montana Code Annotated References

	Description
20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Montana Constitution References

	Description
Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

	Description
10.53.12	Library Media and Information Literacy Content Standards

United States Constitution References

	Description
First Amendment	Freedom of Speech

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

Procedure 2309-P(2): Library Program and Materials - Library Collection Development - Library Bill of Rights

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

ALA - Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all libraries use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961;

June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

"Library Bill of Rights", American Library Association, June 30, 2006.

<http://www.ala.org/advocacy/intfreedom/librarybill> (Accessed October 11, 2022)

Document ID: 669fd6a3-8939-3e54-7577-996a0a3f8952

Montana Code Annotated References

	Description
20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Montana Constitution References

	Description
Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

	Description
10.53.12	Library Media and Information Literacy Content Standards

United States Constitution References

	Description
First Amendment	Freedom of Speech

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

**Procedure 2309-P(3): Library Program and Materials - Library Collection Development -
Instructions to Reconsideration**

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

Instructions to Reconsideration Committee

Bear in mind the principles of the freedom to learn and to read and base your decision on these broad principles rather than on defense of individual materials. Freedom of inquiry is an essential ingredient of education in a democracy and part of the Browning Public Schools philosophy.

Read thoroughly all materials referred to you, including available reviews and the full text of the challenged material. The general acceptance of the material could be checked by consulting standard evaluation sources and local holdings in other schools.

The challenged material will be considered in its entirety. Passages or parts should not be pulled out of context. The values and faults should be weighed against each other and the opinions based on the material as a whole, just as learning resources have been initially selected for their strengths rather than rejected for their weaknesses.

Complete the evaluation form for the particular type of material under consideration.

Prepare a report based on the guidelines as found in the District Collection Development Policy.

The Superintendent will present the committee's report to the complainant at the conclusion of the discussion of the questioned material.

Further, the report and recommendation of the committee will be presented to the Board of Trustees for final review and a decision.

Montana Code Annotated References

20-4-301

Description

Duties of a Teacher

Montana Code Annotated References

20-4-402
20-7-203
20-7-204
40-6-701
40-6-702
49-2-307

Description

Duties of district superintendent or county high school principal
Trustees' policies for school library
School library book selection
Interference with fundamental parental rights restricted
Fundamental Parental Rights
Discrimination in education

Montana Constitution References

Article II, Section 7
Article X, section 1

Description

Freedom of Speech
Educational Goals and Duties

Administrative Rules of Montana References

10.53.12

Description

Library Media and Information Literacy Content Standards

United States Constitution References

First Amendment

Description

Freedom of Speech

Cross References

1000
1000-P(1)
1700
2310
2311
2314

Description

[Legal Status, Operation and Organization](#)
[Legal Status, Operation and Organization](#)
[Uniform Complaint Procedure](#)
[Selection of Library Materials](#)
[Instructional Materials](#)
[Instructional and Library Materials Review](#)

**Procedure 2309-P(4): Library Program and Materials - Library Collection Development -
Freedom to Read Statement**

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently arise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters, values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society, individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and, said. Books are the major channel by which intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; and that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

American Library Association

Association of American Publishers

Subsequently endorsed by:

American Booksellers for Free Expression

The Association of American University Presses

The Children's Book Council
 Freedom to Read Foundation
 National Association of College Stores
 National Coalition Against Censorship
 National Council of Teachers of English
 The Thomas Jefferson Center for the Protection of Free Expression

"The Freedom to Read Statement", American Library Association, July 26, 2006.

<http://www.ala.org/advocacy/intfreedom/freedomreadstatement> (Accessed October 11, 2022)

Document ID: aac95d4-2988-0024-6573-10a5ce6b21b2

Montana Code Annotated References

	Description
20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Montana Constitution References

	Description
Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

	Description
10.53.12	Library Media and Information Literacy Content Standards

United States Constitution References

	Description
First Amendment	Freedom of Speech

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

Procedure 2309-P(5): Library Program and Materials - Library Collection Development - Confidentiality of Library Records

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

ALA Policy on Confidentiality of Library Records

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential. (See also ALA Code of Ethics, Article III, "We protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted" and Privacy: An Interpretation of the Library Bill of Rights.)
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971, by the ALA Council; amended July 4, 1975; July 2, 1986.

"Policy on Confidentiality of Library Records", American Library Association, July 7, 2006.

<http://www.ala.org/advocacy/intfreedom/statementspols/otherpolicies/policyconfidentiality>(Accessed October 11, 2022) Document ID: 134b167a-db04-9d94-a1fb-d37d81394d75

Montana Code Annotated References

20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Montana Constitution References

Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

10.53.12	Library Media and Information Literacy Content Standards
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United States Constitution References

First Amendment	Freedom of Speech
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Cross References

1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

**Notice Form 2309-NF(1): Library Program and Materials - Library Collection Development
- Sample Letter**

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

Sample Letter

Date:

We appreciate your concern over the inclusion of (Book Name/Material Description) in the (School Name Library). We have developed procedures for selecting materials but realize that not everyone will agree with every selection made.

To help you understand the selection process, we are sending copies of our:

1. Instructional goals and objectives
2. Browning Public Schools Library Collection Development Policy #4310
3. Request for Reconsideration of Library Media Materials Form

If you are still concerned after you review this material, please complete and return the Request for Reconsideration to me. You may be assured of prompt attention to your request. If I do not hear from you within two weeks from the date of this letter, I will assume you no longer wish to file a formal complaint.

Sincerely,

Principal

Montana Code Annotated References

20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Montana Constitution References

Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

10.53.12	Library Media and Information Literacy Content Standards
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United States Constitution References

First Amendment	Freedom of Speech
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Cross References

1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

**Notice Form 2309-NF(2): Library Program and Materials - Library Collection Development
- Request for Reconsideration Form**

Status: ADOPTED

Original Adopted Date: 07/26/2023 | **Last Reviewed Date:** 07/26/2023

Request for Reconsideration of Library Media Materials

School District #9

Type of Material:

Book CD Video Periodical

DVD Audiobook Pamphlet Computer Software/App

E-Book Other

Title: _____

Author: _____

Publisher or Producer: _____

Date of Publication: _____

Request Initiated by: _____

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

1. Have you read/listened/viewed the entire material? Yes No
2. Please comment on the resource as a whole and specify what material you object to. (Be specific, cite pages, sections, etc.)
3. State why you believe the material is not appropriate for the level of students.
4. State why in your opinion it does not contribute to the school curriculum.
5. Indicate what action you would like the school to take in regards to this material.

6. What other material(s) do you recommend on the same subject and in the same format?
7. Are you a resident of the Browning School District? Yes No
8. Do you have a student enrolled in Browning School District? Yes No

If yes, which school is your student enrolled? _____ -

Montana Code Annotated References

	Description
20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
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20-7-204	School library book selection
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40-6-702	Fundamental Parental Rights
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Montana Constitution References

	Description
Article II, Section 7	Freedom of Speech
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Administrative Rules of Montana References

	Description
10.53.12	Library Media and Information Literacy Content Standards

United States Constitution References

	Description
First Amendment	Freedom of Speech

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2310	Selection of Library Materials
2311	Instructional Materials
2314	Instructional and Library Materials Review

Policy 2310: Selection of Library Materials

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 07/26/2023

A. Introduction:

I. Mission Statement: The mission of the Browning School District Library Media Program is:

to prepare students to access, evaluate, and use resources effectively and efficiently to meet their information needs; to provide materials in varied formats which support the district curriculum, independent learning, and personal enjoyment; and to encourage collaboration with other educators to develop strategies that meet the needs of students and the Montana Library Media Content Standards.

II. Purpose of Policy: The purposes of the collection development policy are the following:

- a. provide educationally sound guidelines for selecting materials for each library media center in the District which will insure that materials selected provide users with a wide range of educational materials on all levels of difficulty, in a variety of formats, with diversity of appeal, and allow for the presentation of varied points of view;
- b. ensure that collections enrich and support the curriculum;
- c. ensure that the selection of materials meets the individual needs, abilities and learning styles of the students;
- d. ensure selection of a broad range of materials on controversial issues to support student development of critical analytical skills; and
- e. to a limited extent, provide community members with access to culturally relevant materials for in-library use;
- f. to provide at least a minimum number of books to support each individual school's curriculum.

III. Community and User Groups Defined: School District #9 is located in Glacier County on the Blackfeet Indian Reservation. The school system encompasses the communities of Browning, Babb, East Glacier, Starr School and two Hutterite Colonies. The K-12 student population is approximately 1800, of which a majority is Native American. The number of staff is approximately 400.

IV. Patron Needs and Services/Programs Defined

The District has libraries in every school with the primary objective of implementing and supporting the educational program in the schools. It is the objective of these libraries to provide a wide range of materials on all appropriate levels of difficulty, with diversity of appeal and the presentation of different points of view. The district meets the educational, recreational, and/or research needs of this community by providing access to our collections to all community members, developing unique outreach activities that support literacy.

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.

The Superintendent is responsible for selection of library materials. Ultimate responsibility for the selection of library materials rests with the Board.

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

Public Access to Library Materials:

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

District residents, non-parents, or parents/guardians of non-resident students attending Browning Public Schools may be allowed use of library books at the discretion of the Superintendent or their designee. Permission to check out materials shall be obtained from the Superintendent or their designee. However, such access shall not interfere with regular school use of those books. Use of the 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.

V. Cooperative Collection Development & Interlibrary Loan:

The High School Library subscribes to OCLC (Online Computer Library Center) for collection development assistance and interlibrary loan. The High School maintains and updates their collection through the OCLC. The other district libraries provide interlibrary loans from the district collection only through the Destiny program.

B. General Priorities, Limitations and Policies:

- I. **Chronological Coverage:** The School District maintains the library collections using the Destiny (Follett) program. The librarians utilize the report feature of Destiny for a detailed report of the age of the collection. The librarian is responsible for evaluating the collection for currency, appropriateness and usefulness, within the budget constraints. Standard checklists, catalogs, bibliographies are used to measure the existing collection against authoritative recommendations. To the extent possible, currency or accuracy of content, use, patron requests, appearance, and subject coverage related to curriculum are taken into consideration in the decision to retain an item. In the case of Native American materials, primarily Blackfeet, every attempt is made to collect whatever is available on the subject, disregarding traditional collection management guidelines.
- II. **Formats:** To meet the guidelines established by the Montana Content Standards and Benchmarks, the District libraries purchase and provide access to materials in a wide variety of formats, including but not limited to

books, audio books, E-books, videos, DVDs, computer software, maps, periodicals, CDs, and a variety of online subject databases.

- III. **Multiple Copies:** In general, the libraries do not purchase multiple copies of materials unless it has been determined that multiple copies are necessary to support a particular curricular area. Exceptions are made in the case of some popular fiction where patron demand is high.
- IV. **Languages:** The libraries collect materials primarily in the English language. At the High School, some materials are purchased in either French or Spanish, depending on the current course offerings, and in Blackfeet where appropriate and available.
- V. **Funding Considerations:** The School District allocates funds at the building level. Grants to purchase special materials have been made available to the library on an irregular basis. Although the libraries have not received memorial donations, they would be open to the possibility. Money from lost or damaged materials is deposited with the District Business Office to be used for replacement purchases. Library clubs raise money and maintain accounts for various activities (book purchases, craft projects, etc.).
- VI. **Collection Responsibilities and Selection Procedures:** Selection and approval of materials for the libraries remains the legal responsibility of the Browning School District Board of Trustees and Superintendent consistent with Section 20-7-204, MCA. The responsibility for the selection of materials for the individual school libraries has been delegated to the individual library media specialists with faculty consultation.

Professional reviewing sources as well as recommended lists are consulted in the selection of materials.

Materials shall support and be consistent with the general educational goals of the State and District, as well as, support the aims and objectives of individual schools and specific courses. The following criteria are taken into consideration in the selection of materials:

- Educational significance
- Contribution the subject matter makes to the curriculum and to the interests of the students
- Validity, currency, and appropriateness of the material
- Reputation and significance of the author, producer, and publisher
- Contribution the material makes to the breadth of representative viewpoints on controversial issues
- Quality and variety of format
- Value commensurate with cost and/or need
- Artistic quality and/or literary style
- Timeliness or permanence

- VII. **Gifts Policy:** Gifts of books or money are accepted by the school libraries when appropriate consistent with Policy 7260. The criteria for accepting books or other materials are the same as that outlined in the Collection Responsibilities and Selection Procedures. Materials deemed unsuitable for the library will not be accepted. Some donated items may be distributed to students, staff or local community. The libraries will make the potential donor aware of this policy.

VIII. Collection Maintenance: Collection development includes the de-selection or weeding of library materials. The library media specialist is responsible for collection maintenance, with the consultation of other faculty members as needed. Generally, the BPS librarians utilize the CREW Method (Continuous Review, Evaluation, and Weeding) to manage the health of the library collection. The library media specialist is responsible for continually weeding and maintaining the building specific collections throughout the year. The decision to deselect materials is guided by the following considerations:

- Items worn or damaged beyond repair
- Duplicate copies of seldom used titles
- Materials unused over a period of five to seven years
- Materials which contain outdated or inaccurate information
- Materials no longer of relevance to the curriculum or interests of the students
- Materials that no longer meet the current selection standards

When possible, any discarded materials that have academic merit will be made available to district teachers. Rare, cultural or historic texts may be kept in local archives. Some discarded materials may become available to students or local "Little Free Library" programs. Finally, district librarians will make every effort to recycle unwanted materials, or dispose of materials in a proper way.

IX. Censorship: The School Board of District #9 supports and adopts the statements of policy as expressed in the American Library Association Library Bill of Rights, Freedom to Read Statement, Confidentiality of Library Records, and the Library Code of Ethics, copies of which are appended to and made a part of this policy.

X. Requests for Reconsideration or Complaints: No duly selected materials whose appropriateness is challenged shall be removed from the school except upon formal action of the Board of Trustees to adopt of the recommendation of a reconsideration committee as provided below.

- A.** All complaints to staff members shall be reported to the building principal and Superintendent. Complainants shall be residents of the School District or a parent/guardian of a student enrolled in the School District.
- B.** The teacher or media specialist involved shall make every effort to resolve the complaint informally by explaining the philosophy and goals of the school district and/or the library media center, the selection procedure, criteria, and the qualifications of those responsible for selecting the materials.
- C.** If the complaint is not resolved informally, the complainant shall be supplied with a packet of materials consisting of the District's Library Collection Development at Policy #4310 which contains the procedure for handling objections. The packet will also include a standard printed Request for Reconsideration form, which shall be completed and returned before consideration will be given to the complaint.
- D.** If the principal has not received the formal request for reconsideration within two weeks, it shall be considered closed.
- E.** In accordance with the statement of philosophy, no questioned materials shall be removed from the school pending a final decision.
- F.** Upon receipt of a completed Request for Reconsideration form, the building principal involved will call together a committee of five to consider the complaint. This committee shall consist of the Curriculum

Director from the school involved, the Principal, the Library Media Specialist, a teacher, and a parent representative also from the school involved who is not associated with the submitted complaint.

- G. The committee known as the Reconsideration Committee shall meet to discuss the material following the guidelines set forth herein and shall prepare a report on the materials containing their recommendations on the disposition of the matter. The report will be given to the building principal and the Superintendent.
- H. The Reconsideration Committee shall:
- Examine the challenged material in its entirety
 - Determine professional acceptance by reading critical reviews of the challenged material
 - Weight values and faults and form opinions based on the material as a whole rather than on selections taken out of context
 - Consider the value of the challenged material in the context of the educational program
 - Discuss the challenged material with the individual bringing the challenge when appropriate
 - Prepare a written report outlining the findings of the committee
 - Submit their report to the Board of Trustees for consideration at their next regular meeting. The Board may adopt the recommendation or reject the recommendation. If the recommendation is rejected, the matter may be referred back to the committee for further review consistent with the Board's directives.
- I. The Superintendent shall notify the complainant of the Board's decision. In answering the complainant, the Superintendent shall explain the book selection process, provide the guidelines used for selection, and cite authorities used in reaching the decision. If the Board decides to adopt a recommendation to keep the material that is the subject of the complaint, the complainant shall be given an explanation. If the Board adopts a recommendation removing or otherwise limiting access to material, the Superintendent will acknowledge and honor the directive by making recommended changes.
- J. If the complainant is still not satisfied, the complainant may seek to appeal the decision of the Board in accordance with law.
- K. The Board of Trustees may seek assistance from outside entities and organizations such as District legal counsel, the Montana Library Association, the American Library Association, the Association for Supervision and Curriculum Development or other appropriate organization in making its determination.

XI. Policy Implementation, Evaluation, and Revision:

This Collection Development Policy will be reviewed by the Library Media Specialists every three years and as changes are necessary, the Board of Trustees will review and adopt.

Montana Code Annotated References

20-4-402
20-7-203
20-7-204

Description

Duties of district superintendent or county high school principal
Trustees' policies for school library
School library book selection

Administrative Rules of Montana References

10.53.12

Description

Library Media and Information Literacy Content Standards

Cross References

1000

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

1700

[Uniform Complaint Procedure](#)

2309-P(1)

[Library Program and Materials - Library Collection Development – Code of Ethics](#)

2309-P(2)

[Library Program and Materials - Library Collection Development – Library Bill of Rights](#)

2309-P(3)

[Library Program and Materials - Library Collection Development – Instructions to Reconsideration](#)

2309-P(4)

[Library Program and Materials - Library Collection Development – Freedom to Read Statement](#)

2309-P(5)

[Library Program and Materials - Library Collection Development – Confidentiality of Library Records](#)

2309-NF(1)

[Library Program and Materials - Library Collection Development – Sample Letter](#)

2309-NF(2)

[Library Program and Materials - Library Collection Development – Request for Reconsideration Form](#)

PENDING

Policy 2311: Instructional Materials

Status: ADOPTED

Original Adopted Date: 03/27/2000 | **Last Reviewed Date:** 03/27/2000

Curriculum Council and Subcommittees

Curriculum Council subcommittees will generally be responsible to recommend textbooks and major instructional materials purchases. Recommendations will be made to the Curriculum Council and then to the Superintendent to recommend adoption of the materials by the Board of Trustees. The function of the subcommittee is to ensure that materials are selected in conformance with stated criteria and established district goals and objectives. A curriculum subcommittee may consist of those members identified by the Curriculum Council membership as being useful in examination of particular curriculum materials.

Selection and Adoption

Textbooks shall be selected by a Curriculum Council sub-committee representing the various staff who will likely be using the text. Each committee should develop, prior to selection, a set of selection criteria against which textbooks will be evaluated. The sub-committee shall request input from instructional staff and the community which in turn, recommends to the Curriculum Council, the Superintendent and then the Board of Trustees. Textbooks shall:

1. be congruent with identified instructional objectives;
2. present more than one viewpoint on controversial issues;
3. present minorities realistically;
4. present non-stereotypic models;
5. facilitate the sharing of cultural differences;
6. be priced appropriately.
7. be closely aligned with state and District standards.

In addition, the following issues will also be considered in textbook and material selection.

- Textbooks will be reviewed for a use period of five (5) years.
- The selection of all books and materials shall be of such a nature that the curriculum shall be continuous throughout the grades.
- Safety regulations will be developed consistent materials chosen which acknowledge recommended use of materials, precautions and identify emergency response steps and materials needed.
- Teachers under the direction of the Curriculum Council shall study textbooks for adoption and shall recommend series for consideration. However, final decision shall rest with the Browning Public Schools Board of Trustees.

Lost Textbooks and Instructional Materials

- Students are responsible for the proper care of all books supplied by the school. Students who damage school property or equipment will be required to pay for the damage done.
- FINES: Students assessed fines for lost and/or damaged texts, library books, locks or athletic equipment will not be permitted to receive grades or participate in extra curricular activities until all fines are paid.

Removal

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

Process.

Montana Code Annotated References

	Description
20-4-301	Duties of a Teacher
20-4-402	Duties of district superintendent or county high school principal
20-7-601	Free textbook
20-7-602	Textbook selection and adoption
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
49-2-307	Discrimination in education

Administrative Rules of Montana References

	Description
10.53.12	Library Media and Information Literacy Content Standards
10.55.603	Curriculum and Assessment

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2309-P(1)	Library Program and Materials - Library Collection Development – Code of Ethics
2309-P(2)	Library Program and Materials - Library Collection Development – Library Bill of Rights
2309-P(3)	Library Program and Materials - Library Collection Development – Instructions to Reconsideration
2309-P(4)	Library Program and Materials - Library Collection Development – Freedom to Read Statement
2309-P(5)	Library Program and Materials - Library Collection Development – Confidentiality of Library Records
2309-NF(1)	Library Program and Materials - Library Collection Development – Sample Letter
2309-NF(2)	Library Program and Materials - Library Collection Development – Request for Reconsideration Form
2314	Instructional and Library Materials Review

Policy 2312: Copyright

Status: ADOPTED

Original Adopted Date: 02/24/1999 | **Last Reviewed Date:** 02/24/1999

Copyright Compliance

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, or whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.)
- c. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this includes children’s books combining poetry, prose or poetic prose.

2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher.

3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

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

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

Authorized Reproduction and Use of Copyrighted Materials in the Library

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

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

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

Authorized Reproduction and Use of Copyrighted Music

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

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

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

United States Code References

17 USC 101 - 1332

Description

Federal Copyright Law of 1976

PENDING

Policy 2314: Instructional and Library Materials Review

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Citizens objecting to specific materials used in the District are encouraged to submit a complaint in writing and discuss the complaint with the building principal prior to pursuing a formal complaint.

A formal request to remove an item from the school or limit its use must be in writing and will be acted upon by the Superintendent. A spokesperson for each side of the issue will be heard by the Superintendent if requested. A written decision will be delivered to the complainant within forty (40) school days. Any appeal of this decision must be delivered in writing to the Board within fourteen (14) calendar days. The Board will make the final decisions on appeals.

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

Montana Code Annotated References

Montana Code Annotated References	Description
20-4-301	Duties of a Teacher
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
20-7-601	Free textbook
20-7-602	Textbook selection and adoption
40-6-701	Interference with fundamental parental rights restricted
49-2-307	Discrimination in education

Montana Constitution References

Montana Constitution References	Description
Article II, Section 7	Freedom of Speech
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.53.12	Library Media and Information Literacy Content Standards

United States Constitution References

United States Constitution References	Description
First Amendment	Freedom of Speech

Cross References

Cross References	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2309-P(1)	Library Program and Materials - Library Collection Development – Code of Ethics
2309-P(2)	Library Program and Materials - Library Collection Development – Library Bill of Rights
2309-P(3)	Library Program and Materials - Library Collection Development – Instructions to Reconsideration
2309-P(4)	Library Program and Materials - Library Collection Development – Freedom to Read Statement

Cross References

2309-P(5)

2309-NF(1)

2309-NF(2)

2311

Description

[Library Program and Materials - Library Collection Development – Confidentiality of Library Records](#)

[Library Program and Materials - Library Collection Development – Sample Letter](#)

[Library Program and Materials - Library Collection Development – Request for Reconsideration Form](#)

[Instructional Materials](#)

PENDING

Policy 2320: Field Trips, Excursions, and Outdoor Education

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

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

Field trips which take students out of the state must be approved in advance by the Board of Trustees.

Field trip activities must be integrated with the curriculum, coordinated with classroom activities, and be consistent with the District's Strategic Plan.

Field trip approval must be supported by the building principal and requests submitted to the Superintendent 14-calendar days prior to the planned trip.

Montana Code Annotated References

40-6-701

Description

Interference with fundamental parental rights restricted

Administrative Rules of Montana References

37.111.825

Description

Health Supervision and Maintenance

Cross References

8132

Description

[Activity Trips](#)

Policy 2330: Controversial Issues and Academic Freedom

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

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

Teachers shall guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize opposing viewpoints, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

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

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

1. relative maturity of students;
2. District philosophy of education;
3. community standards, morals and values;
4. the necessity for a balanced presentation; and
5. the necessity to seek prior administrative counsel and guidance in such matters.

The right of academic freedom does not relieve teachers of the obligation to address District curriculum.

Montana Code Annotated References

20-3-324

Description

Powers and duties

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

1700

[Uniform Complaint Procedure](#)

2332

[Religion and Religious Activities](#)

2333

[Participation in Commencement Exercises](#)

Policy 2332: Religion and Religious Activities

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 11/12/2019

In keeping with the United States and Montana Constitutions and judicial decisions, Browning Public Schools may not support religion or endorse religious activity. At the same time, the District may not prohibit private religious expression by students. The purpose of this policy is to provide direction to students and staff members about the application of these principles to student religious activity at school.

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

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

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

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

Baccalaureate Ceremonies: Students and their families may organize baccalaureate services, at which attendance must be entirely voluntary. Organizers of baccalaureate services may rent and have access to school facilities on the same basis as other private groups but may not receive preferential treatment.

The District may not be identified as sponsoring or endorsing baccalaureate services. District 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, non-proselytizing, 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 that 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 and/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 religious or religious-holiday oriented.

Student Religious Groups: Students may gather as non-curricular groups to discuss or promote religion in accordance with District Policy 3233.

Distribution of Religious Literature: Students may distribute religious literature to their classmates, subject to the same constitutionally acceptable restrictions that the District imposes on the 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’s policy on solicitations (policy #4321).

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

Blackfeet Cultural Practice at School Sponsored Events: For the purposes of this policy, traditional Blackfeet “blessings” are not considered religious prayer, but an allowable cultural practice.

Any presentation by participants in graduation ceremonies, student societies exploring and reflecting traditional Blackfeet culture, and assemblies to honor students or staff, may include ceremonial private expression of the individual participants that does not necessarily reflect any official position of the District, its Board, administration, or employees, or indicate the views of any other student participants. The Board recognizes that at graduation time, societal inductions, and student/staff recognition there will be instances when Blackfeet traditional values, ceremonial practices, and cultural expression interaction with the public schools and students. The Board, however, does not endorse religion, but recognizes the rights of individuals to have the freedom to express their individual political, social, or religious views, for this is the essence of education.

Montana Code Annotated References

20-1-308

Description

Religious instruction released time program

20-7-112

Sectarian publications prohibited and prayer permitted

Montana Constitution References

Article X, section 1

Description

Educational Goals and Duties

Article X, Section 7

Nondiscrimination in Education

Article, Section 5

Freedom of Religion

United States Constitution References

First Amendment

Description

Freedom of Religion

First Amendment

Establishment Clause

United States Supreme Court References

597 US _____

Description

Kennedy v. Bremerton

Cross References

2330

Description

[Controversial Issues and Academic Freedom](#)

2333

[Participation in Commencement Exercises](#)

3233

[Student Use of Buildings](#)

Policy 2333: Participation in Commencement Exercises

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Reviewed Date:** 08/28/1996

The Board of Trustees shall recognize the accomplishments of students by awarding a diploma to each student who has successfully completed an instructional program that meets the District standards and /or the requirements identified in the student’s individual education plan or 504 plan.

Ceremony Participation

Students and parents or guardians of students at risk for failing to complete high requirements for participation in graduation will be notified at the end of the student’s junior year. Additional notification will also take place at the end of the semester prior to the anticipated graduation date. It is the responsibility of the high school principal to ensure that the required documentation for graduation is culminated and that the student and their parent have received multiple notification of risk for failure to graduate and the final determination.

Students who complete their graduation requirements after the deadline will not be allowed to participate in the ceremony. However, the Superintendent and/or the High School principal shall meet with the student at an approved time and present the student with their diploma.

Diploma Differentiation

All students graduating with honors or demonstrating having mastered academically challenging curriculum according to standards established by the high school principal, will be presented with a diploma affixed with a gold seal to indicate recognition for the student’s strong academic effort.

Students with disabilities that have resulted in the student completing his or her high school course work based on significant variations in the core high school curriculum as mandated by an individual education plan will receive a diploma. A minor language variation from a standard diploma will occur noting that the Board recognizes that the student has achieved the educational goals identified to address the individual educational needs.

Montana Code Annotated References

Description

- | | |
|----------|--------------------------------------------------------|
| 20-1-308 | Religious instruction released time program |
| 20-5-201 | Duties and Sanctions |
| 20-7-112 | Sectarian publications prohibited and prayer permitted |

Montana Constitution References

Description

- | | |
|----------------------|--------------------------------|
| Article X, section 1 | Educational Goals and Duties |
| Article X, Section 7 | Nondiscrimination in Education |
| Article, Section 5 | Freedom of Religion |

United States Constitution References

Description

- | | |
|-----------------|----------------------|
| First Amendment | Freedom of Religion |
| First Amendment | Establishment Clause |

Cross References

Description

- | | |
|-----------|------------------------------------------------------------------------|
| 2330 | Controversial Issues and Academic Freedom |
| 2332 | Religion and Religious Activities |
| 2410 | High School Graduation Requirements |
| 2410-P(1) | High School Graduation Requirements - Early Graduation |
| 3150 | Part-Time Enrollment |

Policy 2335: Health Enhancement

Status: ADOPTED

Original Adopted Date: 05/13/2000 | **Last Reviewed Date:** 05/13/2000

Family Health

In recognition of the fact that sexuality is fundamental to all life, and is of primary importance in nature, in society, and in the life of every individual; and in recognition of the fact that the essence of education is the acquisition of knowledge related to those areas that are important in society and in the lives of individuals, the Board accepts the responsibility to provide information concerning sexuality as a part of the educational opportunities available to students.

The Board further recognizes that the family and the church have the primary responsibility for the education of children in the area of human sexuality. *Although the public schools have a responsibility to provide information concerning sexuality, it is the family and the church that provide the specific value system through which students translate knowledge into decisions and actions.* Browning Public Schools has instructed its school nurses to make condoms available to students in order to prevent complications of sexually transmitted diseases. Condoms availability is subject to private consultation with the school nurse.

In the Browning Public Schools, the goals of instruction related to sexuality will be to:

- ensure accurate knowledge about human reproduction, including conception, birth, and prenatal care, with specific emphasis on the family unit and the responsibilities and consequences relating to sexual activity;
- adapt this information to the age and grade level of students;
- promote, encourage, and increase communication between parents and children;
- increase decision-making skills;
- offer information that will assist students to act responsibly;
- discourage promiscuity; and
- enhance and develop the students' self-esteem.

Within the focus of these goals, and at appropriate age and grade levels, the information presented regarding human sexuality will include:

- anatomy, physiology, and psychology of adolescence and sexual growth;
- dating and dating situations;
- legal aspects of sexual conduct;
- homosexuality, masturbation, abortion, rape, sexual abuse, incest, prostitution, contraception, promiscuity and sexually transmitted diseases;
- self-respect, self-control, and individual differences among people;
- community resources;
- pregnancy and childbirth; and
- responsibility of parents and child care.

The treatment of each of these topics will center on the influence of physical and mental health and well-being and the social, ethical and legal consequences relating to these subjects.

Alternative instructional activities on a different health topic will be provided for any student whose parents choose not to have their child participate in instruction dealing with human sexuality.

Personnel involved in instruction regarding human sexuality will conduct such instruction with maturity and

discretion and in compliance with the spirit and intent of this policy. Personnel providing instruction in human sexuality will receive in-service training based on district approved standards before presenting such instruction.

The Board will review and adopt the program developed in response to this policy. The implementation of this policy will be monitored through the standard administrative processes of the school system.

Annual Parent Information Meeting about the Health/Human Reproductive Education Program

The school district will provide parent/s with annual written notification of a meeting to take place on or before October 31 in each school year about the Health/Human Reproductive Education Program.

Content for Courses That Discuss Sensitive Issues

Instruction will be provided on some issues, which some persons may consider to be sensitive or controversial. The degree of sensitivity will vary from individual to individual depending upon personal, religious or ethnic beliefs and values. Foremost among these potentially charged issues are the topics of abortion, rape, incest, prostitution, contraception, homosexuality, masturbation, sexual abuse, promiscuity and sexually transmitted diseases.

All classes that discuss "sexual intercourse will emphasize that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually."

In addition, the course material and instruction must:

- be developmentally appropriate;
- be presented in an objective, factual, and non-judgmental manner;
- be in a controlled fashion wherein professionally – trained teachers handle all discussions with the utmost of discretion and respect for the dignity of each student; and
- be by teachers who maintain an unbiased position when addressing issues of a controversial nature.
- stress that abstinence is the only contraceptive method, which is 100% effective and that all other methods of contraception carry a risk of failure in preventing, unwanted teenage pregnancy. Statistics based on the latest medical information will be provided to students citing the failure and success rate of condoms and other contraceptives in preventing pregnancy;
- stress that sexually transmitted diseases are serious possible hazards of sexual intercourse. Students will be provided with statistics based on the latest medical information citing the failure and success rate of condoms in preventing
- discuss AIDS and other sexually transmitted diseases;
- include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy;
- stress that students should abstain from sexual intercourse until they are ready for marriage;
- teach honor and respect for monogamous heterosexual marriage;
- advise students of the laws pertaining to their financial responsibility to children born in and out of wedlock;
- advise students that it is unlawful for females/males of age to have sexual relations with females/males under the age of 18 to whom they are not married.
- emphasize that the student has the power to control personal behavior. Students will be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for one's self and others; and
- teach students to make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Students will be taught that it is wrong to take advantage of, or to exploit another person. The material and instruction will also encourage youth to resist negative peer pressure.

Guiding Principals for Human Reproductive Health

1. Operates under constraints of Board Policy.
2. Abstinence is the primary message.
3. Intervene with education before the child's first sexual experience.
4. Developmentally appropriate instruction (the depth and extent of coverage is dependent on the developmental level of the student).
5. "OPT OUT" Policy available to all parents.
6. Physical Education/Health Department will provide instruction of all reproductive health units at each grade level. Unit lesson plans must be submitted to the building principal in their entirety prior to instruction.
7. Grades K-3 is heterogeneous instruction integrated throughout the school year.
 - Grade 4 is segregated instruction with a minimum of five days each for male/females.
 - Grade 5 depending on topic can be segregated or mixed with a minimum of five days.
 - Grade 6-8 is heterogeneous grouping with thirty days of instruction over the course of three years.
 - Grade 9-10 is heterogeneous grouping with instructional time as a partial semester.
8. Review of previous years' curriculum is mandatory prior to introducing new materials.
9. All PE/Health staff are required to participate in formal training provided by the school district regarding Human Reproduction.
10. All appropriate staff will be in-serviced annually regarding the curriculum.
11. Material selection will be consensus of all instructors and must include the school nurses (parent input will always be considered).
12. Abstinence.

Note: Research is unequivocal in its findings regarding Human Reproductive Health Education. There is no increase in adolescent sexual activity as a result of increased information.

Montana Code Annotated References

	Description
20-5-103	Compulsory Attendance and Excuses
20-7-120	Excused Absences from Curriculum Requirements
50-16-1001	AIDS Prevention Act

Cross References

	Description
2132	Student and Family Privacy Rights
3120	Compulsory Attendance

Policy 2410: High School Graduation Requirements

Status: ADOPTED

Original Adopted Date: 03/24/2021 | **Last Reviewed Date:** 03/24/2021

Graduation Requirements shall reflect high expectations and appropriate standards. Students graduating from Browning Public Schools will enter society as adults who are prepared to participate actively and knowledgeably as citizens in their community, tribe, state and federal government. Students will graduate with prerequisite skills that allow successful entry into and completion of post-secondary education or vocational training opportunities.

No student will be permitted to graduate from Browning High School unless he/she has completed the course requirements prescribed by District #9 Board of Trustees and meets the prescribed course of study for the State of Montana. All graduation requirements must be completed 48 hours prior to the graduation day and certified by the high school principal in order to participate in the graduation ceremony. Effective with the graduating class of 2005, 23 credits will be required to graduate. Effective with the graduating class of 2016, all students will enter Browning High School on a "Distinguished Diploma" track; students must opt out, with signed parent consent, in order to graduate according to the "Foundational Diploma" & "Montana Diploma" track requirements. You must contact the school principal if you wish to opt out of the Distinguished Diploma.

Course requirements for graduation from Browning High School:

Montana Diploma

Effective with Class of 2022

English 4

Mathematics 2

Science 2

Social Studies 2

Health/Physical Education 1

Fine Arts 1

Career Technical Education 1

Electives 7

Total Required for Graduation 20

Foundational Diploma

English 4

Mathematics 2

Science 2

Social Studies 3.5

World Geography (.5)

Blackfeet Studies (.5)

(Does not include Blackfeet Language, Song, Dance)

World History (.5)

American History (1)

Government (1)

Tribal

State

U.S.

Physical Education 2 Semesters 1

Health Enhancement (.5)

Fine Arts 1

Vocational Practical Arts 1

Computer Technology (.5)

Electives (.5 minimum)

Total Required for Graduation 20.5

Distinguished Diploma

Effective Beginning

with Class of 2018

English 4

Mathematics 4 (3 or 4) Once the student has completed Algebra II the student would have the option to take the fourth credit in science or computer science

Science 3 (3 or 4) depending on 4 credits of math

Social Studies 3.5

World Geography (.5)

Blackfeet Studies (.5)

(Does not include Blackfeet Language, Song, Dance)

World History (.5)

American History 1

Government 1

Tribal

State

U.S.

Physical Education 2 Semesters 1

Health Enhancement (.5)

Fine Arts 1

Vocational Practical Arts 1

Computer Technology 1

College Prep Electives* 2

Other Electives 3

Total Required for Graduation 24

*College Prep Electives can include world language, computer science, music, fine arts, career and technical education, dual-enrollment courses

Total Required for Graduation

In addition, beginning with the graduating class of 2003 shall be required to satisfactorily engage in a public Senior Portfolio presentation and provide documentation of 20 hours of community service.

Waiver of Requirements/Academic Variance

The principal will establish an academic variance committee comprised of staff representing both the traditional high school and alternative education program to review all petitions for waiver. This petition will include a detailed request documenting extenuating circumstances that warrant the waiver. It will also include an information packet regarding the student's school history and performance as documented by a transcript, graduation plan, detailed attendance and enrollment history. This information packet will also include a projected course plan for the remainder of the student's high school career and a transition plan for the first year beyond high school.

At minimum, all students will have met the basic graduation requirements as specified in A.R.M. 10.55.905. Under special circumstances, the principal may recommend modification to local graduation requirements to the District Superintendent. The Superintendent will have the authority to approve or deny the recommendation. In accordance with A.R.M. 10.55.906 (3), the Superintendent will then make the recommendation to the local board of trustees to accept the waiver.

Diplomas

All graduating students shall receive diplomas.

Diplomas may be earned through completing either required credits or criteria identified in an approved IEP.

Diplomas may be received prior to four (4) years of high school attendance in accordance with District #9 Early Graduation Policy which requires the expressed recommendation of the Superintendent and permission of the Board of Trustees.

The high school principal shall approve of independent study alternative curriculum offerings prior to credit being applied to the core graduation requirements.

Transfer Students Graduation Requirements

Transfer students must meet the prescribed course of study for the State of Montana and Browning School District #9 in order to graduate. Transfer credits must be congruent with BHS core class requirements as determined by the high school principal.

Graduation

The graduation ceremony is an activity of the Board of Trustees to honor graduating seniors from Browning High School each year.

- a. The Superintendent of Schools shall set the date for the graduation ceremony each year.
- b. Only students who have met all credit requirements, both state and local, may be allowed to participate in the graduation ceremonies.
- c. The Board of Trustees may deny any student the honor of participating in graduation ceremonies for infractions of federal, state, or local laws, district policies or school rules.
- d. All graduation requirements must be completed forty-eight (48) hours prior to and approved by the high school

principal before a student is allowed to participate in the graduation ceremony.

Montana Code Annotated References

	Description
10-1-1402	Youth Challenge Academy
20-1-101	Definitions
20-3-322	Meetings and quorum
20-5-201	Duties and Sanctions
20-7-1330	Graduation Requirements For Youth Who Experience Disruption In Education
20-9-313	Circumstances under which regular average number belonging may be increased

Administrative Rules of Montana References

	Description
10.55.904	Basic Education Program Offerings: High School
10.55.905	Graduation Requirements
10.55.906	High School Credit

Cross References

	Description
1610	Goals and Objectives
2050	Innovative Student Instruction
2168	Remote Instruction from Non-District Sources
2170	Digital Academy Classes
2170-P(1)	Digital Academy Classes
2333	Participation in Commencement Exercises
2600	Work Based Learning
2600-P(1)	Work Based Learning - Work-Based Learning Experience
2600-NF(1)	Work Based Learning - Work Based Learning Agreement
3145	Foreign Exchange Students
3150	Part-Time Enrollment

Procedure 2410-P(1): High School Graduation Requirements - Early Graduation

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 01/29/2020 | **Last Reviewed Date:** 01/29/2020

Browning Public Schools believes that high school provides students with valuable learning experiences and a full four-year schedule offers students multiple opportunities to participate, mature, and learn from course offerings and extra curricular activities. However, early graduation will be considered for students who have committed to the following post graduation plans or have the following circumstances:

Entrance into an advanced program of vocational education.

Entrance into the armed services to obtain specialized training which will be utilized in the job market later on.

The need to work to help support a family that requires the student to become a wage earner.

Marriage or family obligations that require the student to be a primary care giver.

Early entry into college.

Exceptional documented hardship.

An early graduation form will be provided to students upon their request. Students must complete five semesters and/or eight trimesters of school attendance and be 17 years old prior to making the request. The student will need to develop a plan to meet minimal graduation requirements within the existing standard curriculum in seven semesters. Requests must be made prior to May 30th of the school year prior to the proposed early graduation date. (Spring semester of the student's junior year)

Requests for early graduation submitted by a student served in accordance with an Individualized Education Program (IEP) may only be submitted after the student has completed five semesters and/or eight trimesters of school attendance and be 17 years old. The students will also provide the required information and documentation outlined in this policy. The request will then be referred to the IEP Team for review. The IEP team will consider all necessary factors related to the terms of IEP prior to making a recommendation to the Superintendent regarding acceptance or denial of the request for referral to the Board of Trustees.

The student requesting early graduation shall have a minimum cumulative GPA of 2.5 and core course requirements which indicate a minimum GPA of 2.0. Normative assessment results such as the ITBS or TAP indicating skill development at the 4th stanine or above are required.

The Board of Trustees shall require the following information in order to consider a request for early graduation:

- An Early graduation Request Form to be completed by the student which includes a handwritten letter from the student outlining the reasons for the student's request.
- A letter from the parents or guardian supporting the student's request.
- A high school counselor shall compile an information packet for the Board regarding the student's school history and performance which will include a transcript; the student's attendance; GPA; and the history, number, and basis of behavioral referrals. This information packet or portfolio will also include projected course plan for the remainder of the student's high school career and the counselor's recommendation regarding the request.
- A letter from an academic department head in support of the request.
- A letter from the principal supporting the request based on the reasons for the student request, and consideration of the student's maturity in planning and follow through regarding post graduation prospects shall also be obtained.

Montana Code Annotated References

10-1-1402

Description

Youth Challenge Academy

20-1-101

Definitions

Montana Code Annotated References

20-3-322	Meetings and quorum
20-5-201	Duties and Sanctions
20-7-1330	Graduation Requirements For Youth Who Experience Disruption In Education
20-9-313	Circumstances under which regular average number belonging may be increased

Administrative Rules of Montana References

10.55.904	Basic Education Program Offerings: High School
10.55.905	Graduation Requirements
10.55.906	High School Credit

Cross References

1610	Goals and Objectives
2050	Innovative Student Instruction
2168	Remote Instruction from Non-District Sources
2170	Digital Academy Classes
2170-P(1)	Digital Academy Classes
2333	Participation in Commencement Exercises
2600	Work Based Learning
2600-P(1)	Work Based Learning - Work-Based Learning Experience
2600-NF(1)	Work Based Learning - Work Based Learning Agreement
3145	Foreign Exchange Students
3150	Part-Time Enrollment

Policy 2420: Grading and Progress Report

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

REPORTING STUDENT PROGRESS

On-going evaluation of student progress is essential both for the academic development of student and for the information of students and parents. All students should be evaluated regularly by teachers in a professional manner consistent with the needs and ability of each student, which also includes 504's, and student IEP's. Student's progress will be reported reflecting the child's skills and development in comparison with same age peers, the District curriculum objectives, and individual student growth.

TEACHER EVALUATION OF STUDENT PROGRESS

All teachers are responsible for the on-going professional evaluation of students *in their charge* for the day or any portion of the day. Evaluation will be based on multiple measures, which may include paper/pencil tasks, student performance, and/or demonstration of content mastery relative to stated curriculum or individual goals.

REPORTS OF STUDENT PROGRESS

Parent Reports

Provide parents/families with information on their student's progress at least quarterly and as requested. This report may include noted strengths of the student, concerns, general information about curriculum or extra curricular eligibility status when applicable. However, formal written summaries of student progress shall be made at a minimum of nine (9) week intervals. District approved forms shall be utilized for this purpose. Parent/teacher conferences will be scheduled a minimum of two times per year.

Superintendent Report of Student Progress

The Superintendent shall periodically present to the Board a summary of student progress. The report shall contain both quantitative and qualitative data. Each semester, a summary of all students' academic progress, average grades, attendance, etc. shall be presented to the Board of Trustees. All school -based K-12 testing (SBAC, ACT, SAT, ASVAB, etc.) will be summarized and submitted to the Board of Trustees as results are finalized by test administrators.

Cross References

2050

Description

[Innovative Student Instruction](#)

Policy 2421: Promotion and Retention

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Browning School District #9 recognizes that students of the same age are at various intellectual and developmental levels. These differences are a normal part of human development. Therefore, programs and curriculum will be developed and offered throughout Browning District #9 which will honor individual differences and allow students to remain with their similar age peers to the maximum extent possible and meet student needs.

The District also recognizes that educational research has consistently identified the practice of grade retention as having little or no positive impact on student achievement. In addition, the practice of retention is highly correlated with student dropout rates at the secondary level. However, in rare individual circumstances, other District attempts to meet student needs may be unsuccessful and grade retention may prove to be beneficial for the child. In those circumstances, the following considerations will be addressed:

1. The classroom teacher will provide the school administrator with documented multiple interventions prior to considering recommendation for retention of a student. These interventions may include, but are not limited to, consistent offerings of individualized assistance during the school day, after school tutorial support, peer tutoring, alterations in classroom structure, and incentives.
2. Best practices related to identifying students most likely to benefit from retention will be considered prior to making the recommendation for retention. Research suggests that retention is more likely to have positive outcome if the child is in grades K-2, skill deficits are due to a limited opportunity to acquire information, and the family is supportive of the retention. These factors must be documented in order to consider the retention.
3. Other factors such as the student's physical development, age, social skills, emotional status, and whether there is evidence of an educational disability will also be documented for consideration.
4. Retention could be based on academics, behavior and/or attendance.

K-5 Student Retention Lists

Teachers at grades K-5 must provide the principal with a list of students being considered for retention by third quarter. Individual documentation of interventions attempted and other considerations for each individual child will accompany the list.

Middle School

At Browning Middle School, a list of students will be compiled by a grade level counselor and provided to the building administrator to determine the number of students failing at least two major subjects at the end of the first semester. Students at risk of failing four major subjects will be compiled and provided to the building principal. Interventions tied to other services such as summer school, tutorial services, or alternative educational offerings will be considered for each individual child by grade level teams. Retention will only be considered when in the best interest of the student. Retention rates will consist of no more than 5% of any given class.

High School

Grade level attainment or class status is recognized through credit accumulation. The purpose of class status is to inform the student, parents, administrators and instructors of the prospective graduation year of the student. High school students must have earned the following credits to be affiliated with the appropriate class:

- a. Freshman 0-6 credits
- b. Sophomore 6-12 credits
- c. Junior 13 credit minimum
- d. Senior 18 credit minimum

Credit status will be reviewed at least quarterly by students and their advisors. Credit status for each class will be reviewed by the At-Risk Team and students identified as failing to obtain the next class status will receive individual support from a school counselor which will outline individual intervention/support available to the student.

Retention Limitations

Students (K-8) can generally be retained only once under circumstances as previously defined. If a student is to be considered for retention more than once, the student will be referred for a complete educational evaluation under IDEA '97 regulations. In the event a student has received special education services or is currently receiving special education services; the child's special education status and records will be considered in the retention recommendation. An IEP team will consider whether retention is in the best interest of the student when a student is identified as having an educational disability. A Section 504 team will consider retention recommendations if the student has a 504 plan.

Building Administrator Approval of Retention/Joint Decision Making

Retention will occur only with the approval of the building administrator and parent. In all circumstances, a joint decision-making process should be initiated with consensus as the goal. This process will involve the teacher, parent, building administrator and other parties as needed or mandated.

Cross References

2050

Description

[Innovative Student Instruction](#)

PENDING

Policy 2430: Homework

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Developmentally appropriate homework is a constructive tool in the teaching/learning process when geared to the needs and abilities of students. Purposeful assignments not only enhance student achievement, but also develop self-discipline and associated good working habits. Homework may also function to increase parental understanding of curriculum objectives and provide a sample of student work. As an extension of the classroom, homework must be planned and organized. Homework must be viewed as purposeful to the students and should be evaluated and returned to students in a timely manner.

Teachers may give homework to students to aid in the student's educational development. Homework should be an application or an adoption of a classroom experience, and should not be assigned for disciplinary purposes.

PENDING

Policy 2450: Indian Education for All

Status: ADOPTED

Original Adopted Date: 04/09/2002 | **Last Reviewed Date:** 04/09/2002

In compliance with Article X of Montana’s Constitution:

- 1) *It is the goal of the people to establish a system of education which will develop the full potential of each person. Equality of educational opportunity is guaranteed to each person of the state.*
- 2) *The state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity.*

Browning Public Schools observes the following philosophy statement:

The Blackfeet Indians once created and maintained a way of life for centuries, a life rich in culture, tradition and language. The Blackfeet language is the key to identity, expression, knowledge, compassion, human dignity, historical roots, artistic potential and future survival. Just as elders once taught customs and values at home, Blackfeet students now seek to relearn and recapture a sense of their past as they move forward in the public school system.

Browning Public Schools will develop and implement an educational policy that promotes both core academic knowledge and Blackfeet cultural knowledge equally. Whenever possible, courses, curriculum and learning will include Montana Tribes and American Indian/Alaska Natives. Further, the Board and Administration will implement the following action plan:

Curriculum. Browning Public Schools will adopt a K-12 curriculum that correlates Blackfeet Cultural Knowledge with Core Academic Knowledge. All standards, academic benchmarks and curriculum, will include Blackfeet language, history, culture and contemporary issues across the curriculum. Instructional resources to support the curriculum will be culturally relevant.

Assessment. As current statewide or national assessments do not provide measurement tools for American Indian/Blackfeet knowledge curriculum, Browning Public Schools will develop assessment strategies by which to assess the teaching of the curriculum and will provide measurements of progress and student success in meeting standards and benchmarks. These measurements will be provided to the community, school personnel and students.

Professional Development. Browning Public Schools will require all educational staff to complete significant professional development training (provided by the district) in Blackfeet language, history, culture and contemporary issues to compliment their teaching assignments. This requirement is for certified staff and includes completing six (6) quarter credit hours in Blackfeet/Native American Studies as Option One. Option Two will be to complete 90 hours of assigned related readings and cultural activity participation from Blackfeet/Native American Studies Program.

Tribal Recruitment. Browning Public Schools will identify, encourage and promote qualified Indian educators as an integral part of the instructional staff to help support *Blackfeet Education For All* across the curriculum.

Community Involvement. Browning Public Schools will actively encourage all Blackfeet Reservation community members to become more involved in *Blackfeet Education For All* through forums, workshops and institutes.

Blackfeet Language Preservation. Browning Public Schools values the Blackfeet language which is the community’s first language. The Board and Administration will encourage and support various Blackfeet language formats (community forums, immersion programs, curriculum designs, manuscript, bibliographies and scholarly research). Students and staff will have opportunities to enhance their knowledge and skills in Blackfeet language leading to Class 7 Certification.

Student Achievement. Browning Public Schools will encourage all students to attain their academic, cultural and humanistic potential. Further, Browning Public Schools maintains a policy of high expectations for all students, including higher education and future employment, in the community.

Tribal Education Consortium. Browning Public Schools will work together with other public school districts and educators throughout the state to identify, draft and implement all aspects of curriculum, assessment and professional development. A spring conference will be held for tribal educators and school districts to share findings, materials and resources to enhance tribal learning.

The Board of Trustees will discuss, evaluate and uphold the *Blackfeet Education for All* plan annually.

Montana Code Annotated References

20-1-501

Description

Indian Education For All

20-1-503

Indian Education for All

Montana Constitution References

Article X, section 1

Description

Educational Goals and Duties

Administrative Rules of Montana References

10.55.603

Description

Curriculum and Assessment

10.55.701

Board of Trustees

Cross References

2000

Description

[Goals](#)

PENDING

Policy 2510: School Wellness

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

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

The development of the school wellness policy, at a minimum, will include:

1. *Community involvement*, including input from teachers of physical education and school health professionals, parents, students, school food service, the school Board, school administrators, educators, and the public. Training of this team of people on the components of a healthy school nutrition environment is recommended.
2. *Goals for nutrition education, nutrition promotion, physical activity, and other school-based activities* that are designed to promote student wellness in a manner that the local education agency determines appropriate.
3. *Implementation, Periodic Assessment, and Public Updates*, including expanding the purpose of the team of collaborators beyond the development of a local wellness policy to also include the implementation of the local wellness policy with periodic review and updates, inform and update the public every three years, at a minimum, (including parents, students, and others in the community) about the content and implementation of the local wellness policies, and to measure periodically and make available to the public an assessment of the local wellness policy, including:
 - The extent to which schools are in compliance with the local wellness policy;
 - The extent to which the LEA's local wellness policy compares to model local school wellness policies; and
 - The progress made in attaining the goals of the local wellness policy.
4. *Nutrition guidelines* for all foods available on each school campus under the local education agency during the school day, with the objectives of promoting student health and nutrient-rich meals and snacks. This includes food and beverages sold in a la carte sales, vending machines, and student stores; and food and beverages used for classroom rewards and fundraising efforts.
5. *Guidelines for reimbursable school meals* to ensure that the District offers school meal programs with menus meeting the meal patterns and nutrition standards established by the U.S. Department of Agriculture.
6. *A plan for measuring implementation* of the local wellness policy, including designation of one or more persons within the local education agency or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the District's local wellness policy.

The suggested guidelines for developing the wellness policy include:

Nutrition Education and Nutrition Promotion

All students K-12 shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors and is aligned with the *Montana's Health Enhancement Society of Health and Physical Educators (SHAPE) Health Education and Physical Education Content Standards*. Nutrition education shall be integrated into the curriculum. Nutrition information and education shall be offered and promoted throughout the school campus and based on the U.S. Dietary Guidelines for Americans. Staff who provide nutrition education shall have the appropriate training, such as in health enhancement or family

and consumer sciences.

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 Society of Health and Physical Educators (SHAPE) Health Education and Physical Education Content Standards*.

All K-12 students of the District shall have a quality physical education and physical activity program. To the extent possible, all students will accumulate at least 60 minutes and up to several hours of physical activity per day while avoiding prolonged periods of inactivity.

The District shall strive to provide 150 minutes of instructional physical education for elementary school children, and 225 minutes for middle and high school students per week for the duration of the entire school year.

All K-12 students of the District shall have the opportunity to participate regularly in supervised, organized or unstructured, physical activities, to maintain physical fitness, and to understand the short- and long-term benefits of a physically active and healthy lifestyle.

Nutrition Standards

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

The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending, student stores, classroom rewards, fundraising efforts), by meeting the United States Department of Agriculture (USDA) Smart Snacks in Schools nutrition standards. Snacks provided to students during the school day without charge (e.g. class parties) will meet standards set by the district. The Superintendent shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

Other School-Based Activities Designed to Promote Student Wellness

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

Maintaining Student Wellness

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

United States Code References

PL 108-265

PL 111-296

Description

The Child Nutrition and WIC Reauthorization Act of 2004

The Healthy, Hunger-Free Kids Act of 2010

Policy 2600: Work Based Learning

Status: ADOPTED

Original Adopted Date: 10/12/2021 | **Last Reviewed Date:** 07/28/2021

F Work Based Learning Affiliation Agreement and Consent Form

Montana Code Annotated References

	Description
20-1-101	Definitions
20-7-1510	Credit for participating in work based learning partnerships
39-3-406	Work Based Learning
39-71-118	Employee, worker, volunteer, volunteer firefighter, and volunteer emergency care provider defined --election of coverage.
Title 41, Chapter 2	Child Labor

United States Code References

	Description
29 USC 212	Fair Labor Standards Act

Cross References

	Description
1005FE	Proficiency-Based ANB
2050	Innovative Student Instruction
2410	High School Graduation Requirements
2410-P(1)	High School Graduation Requirements - Early Graduation
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound

Procedure 2600-P(1): Work Based Learning - Work-Based Learning Experience

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

Work Based Learning Program - Insurance

The School District Work Based Learning coordinator will work with School District administration to identify the appropriate insurance coverage for a student’s tailored work-experience opportunity. A student will not commence a Work Based Learning opportunity until the appropriate insurance option has been identified and implemented by all parties. The option selected will be noted as part of the student’s Work Based Learning plan.

School District provides a work-based learning opportunity off school grounds. The learning opportunity takes place during school period hours, awards school credit hours toward graduation requirements, and is led by a teacher of the school district and/or co-taught by a trade person or general contractor. No workers compensation coverage being provided. School District is responsible for general liability coverage for the students and parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place.

Montana Code Annotated References

Montana Code Annotated References	Description
20-1-101	Definitions
20-7-1510	Credit for participating in work based learning partnerships
39-3-406	Work Based Learning
39-71-118	Employee, worker, volunteer, volunteer firefighter, and volunteer emergency care provider defined --election of coverage.
Title 41, Chapter 2	Child Labor

United States Code References

United States Code References	Description
29 USC 212	Fair Labor Standards Act

Cross References

Cross References	Description
1005FE	Proficiency-Based ANB
2050	Innovative Student Instruction
2410	High School Graduation Requirements
2410-P(1)	High School Graduation Requirements - Early Graduation
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound

Notice Form 2600-NF(1): Work Based Learning - Work Based Learning Agreement

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

This Affiliation Agreement is entered into between _____(high school) and _____(workplace learning site).

WHEREAS High School has established a _____Work Based Learning program for students interested in career exploration opportunities; and

WHEREAS High School wishes to affiliate with _____(workplace learning site) for the purpose of providing Career Exploration and Assessment experiences for students enrolled in the _____Work Based Learning Program; and

WHEREAS the Workplace Learning Site is willing to permit the Career Exploration experience on its premises with the terms set forth in this Affiliation Agreement;

NOW THEREFORE, the parties agree as follows:

1. The High School shall assume full responsibility for planning and execution of the student program of instruction including curriculum content, Work Based Learning orientation, emergency contact information, and parent/guardian consent.
2. The High School shall ensure participating students have completed safety instruction specific to the work site prior to participation in the Work Based Learning experience.
3. The High School shall provide a Work Based Learning Coordinator responsible for instruction and coordination with appropriate Workplace Learning Site personnel for the planning, selecting, and evaluating of students' experiences.
4. The Work Based Learning Coordinator, Workplace Supervisor, and student will work collaboratively to determine the career readiness, employability skills, and proficiency guidelines set forth in the personalized work-based learning program.
5. The Workplace Learning Site agrees to designate a Workplace Supervisor, who has completed the Volunteer Agreement Form, and whose responsibility it shall be to assist the Work Based Learning Coordinator in selection and coordination of student experiences appropriate to the level of learning.
6. The Workplace Learning Site professional practitioners shall be responsible for overseeing the students' experience and training activities. They shall orient the students to their activities, direct their activities and supervise their activities to assure safe and satisfactory experiences and performance.
7. The High School shall be responsible for assigning students to the Workplace Learning Site for experience. The High School shall notify the Workplace Learning Site at least one (1) month in advance of its planned schedule of students and types of experiences to be provided. This schedule shall be subject to approval of the Workplace Learning Site.
8. The Workplace Learning Site shall make available the necessary equipment and supplies as determined by the Workplace Learning Site in conjunction with the High School.
9. The Workplace Learning Site shall provide the Work Based Learning Coordinator with frequent student

performance evaluations in the manner and frequency so designated by the High School.

- 10. The High School shall work with the Workplace Learning Site regarding the removal of any student from the Workplace Learning Site whenever the student is not performing or meeting the workplace requirements. Responsibility for student disciplinary measures, if any, shall be with High School and not with the Workplace Learning Site.

Workplace Supervisor initials the selection specific to this Work Based Learning placement:

_____ Employer pays the student to work for them in a paid capacity. Student learns from the employer like a newly hired employee and skill sets are acquired through doing actual work for the employer. Student may earn school credit for employment as documented in the Work Based Learning plan. Employer is required to show proof of workers compensation coverage for the student via a copy of a current workers compensation policy if the Work Based Learning plan shows the student will receive school credit for the employment. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the employer’s workers compensation coverage.

_____ Employer does not pay the student. Student does not earn school credit as part of a Work Based Learning plan but student may be assigned credit as part of another course. Employer has a volunteer endorsement added to their workers compensation policy and pays that premium to their carrier. School District requires the employer to show proof of workers compensation coverage with the volunteer endorsement added via a copy of a current workers compensation policy. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the employer’s workers compensation coverage.

_____ Employer does not pay student. Student earns school credit for the Work Based Learning opportunity as outlined the Work Based Learning plan. School district adds a school to work endorsement onto the school workers’ compensation policy. School District pays the workers compensation premium costs for the endorsement and other required insurance coverage. Parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the School District’s workers compensation coverage.

_____ School District provides a work-based learning opportunity off school grounds. The learning opportunity takes place during school period hours, awards school credit hours toward graduation requirements, and is led by a teacher of the school district and/or co-taught by a trade person or general contractor. No workers compensation coverage being provided. School District is responsible for general liability coverage for the students and parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place.

_____ Workplace Supervisor Date

_____ Work Based Learning Coordinator Date

PARENT/GUARDIAN CONSENT FOR WORK BASED LEARNING EXPERIENCE

I, (full name) _____ as legal guardian of
_____ (child’s full name) a student
enrolled in the _____ High School acknowledge the following:

The program of study includes opportunities for my child to participate in an off-campus Work Based Learning opportunity, and I give my consent to my child participating in the offsite Work Based Learning component, and I agree to support and assist with enforcement of the content included in the Work Based Learning placement

I agree to accept responsibility for my student's participation in the above-referenced activity. I understand any negligence arising out of the student's participation in the program shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA. I agree to counsel my child to abide by the rules and regulations set forth by the workplace learning site.

I have signed the Parent/Guardian Consent and agree to the stated conditions.

Parent/Guardian signature Date

Parent/Guardian printed name Phone number

Address City/State/Zip code

"

Montana Code Annotated References

20-1-101

Description

Definitions

20-7-1510

Credit for participating in work based learning partnerships

39-3-406

Work Based Learning

39-71-118

Employee, worker, volunteer, volunteer firefighter, and volunteer emergency care provider defined --election of coverage.

Title 41, Chapter 2

Child Labor

United States Code References

29 USC 212

Description

Fair Labor Standards Act

Cross References

1005FE

Description

[Proficiency-Based ANB](#)

2050

[Innovative Student Instruction](#)

2410

[High School Graduation Requirements](#)

2410-P(1)

[High School Graduation Requirements - Early Graduation](#)

3121

[Enrollment and Attendance Records](#)

3121-P(1)

[Enrollment and Attendance Records - Homebound](#)

PENDING

Policy 3100: Early Enrollment Exceptional Circumstances

Status: ADOPTED

Original Adopted Date: 08/03/2015 | **Last Reviewed Date:** 08/03/2015

This policy is not intended to be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.

The administration shall ensure admission, enrollment and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time kindergarten program as an integral part of the elementary school program. The administration shall also ensure provision of a free appropriate public education in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

The administration shall include children enrolled pursuant to this policy in the district's calculation of average number belonging (ANB) as reported to OPI.

Exceptional Circumstances Present in the Community: To be used only for in-district students or homeless students under the McKinney Homeless Assistance Act when the board of trustees wants to define exceptional circumstances applicable to the community's characteristics, as opposed to the individual characteristics of a particular student or sub-group of students.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for children under 5 years of age who are either 4 years of age or older on or before September 10 of the school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act.

Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. When enrolling on the basis of demographic characteristics of the community under this option, the District must be sure to research and document all of the criteria incorporated into the school district's policy that is used to enroll on the basis of exceptional circumstances.

1. Homeless rates of the district's pupils in comparison to statewide averages
2. Percentage of the district's pupils qualifying for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act in comparison to statewide averages
3. Percentage of the district's pupils eligible for free or reduced lunch in comparison to statewide averages
4. Average performance on standardized tests at the 3rd grade level in comparison to statewide averages
5. Percentage of the district's pupils who are enrolled members of a federally recognized American Indian Tribe in comparison to statewide averages.

When implementing this policy, the District shall follow these procedures:

1. The administration shall review the criteria set forth in the Policy and make the preliminary determination whether an individual student or class of students meets the criteria for exceptional circumstances set forth therein;

2. The administration shall notify the parent(s)/legal guardian(s) of the administration's recommendation to the Board regarding the enrollment of the student(s) under the exceptional circumstances meriting waiving of the age requirement.
3. The administration shall present the information to the Board for approval within 30 days of making the preliminary determination;
4. In presenting the information to the Board, the administration shall either: (1) remove all identifying information about the student(s) when presenting the information to the Board in order to protect the privacy rights of the student under state and federal law, or (2) provide the name(s) of the student(s) to the Board in a closed session with notice to the parent(s)/legal guardian(s) that he/she/they have the right to attend the closed session; and
5. The Board shall make the final decision on the enrollment of students under the District's exceptional circumstances policy.

The trustees shall annually review this policy and procedure based on changing circumstances pertaining to the criteria used for determination of the program.

Montana Code Annotated References

	Description
20-4-101	Definitions
20-5-101	Admittance of child to school
20-6-501	Definition of various schools
20-7-1801	Targeted interventions to support 3rd grade reading proficiency
20-9-309	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review
20-9-311	Calculation of Average Number Belonging

Montana Constitution References

	Description
Article X, section 1	Educational Goals and Duties

United States Code References

	Description
20 U.S.C. 7401	English Language Acquisition, Language Enhancement, and Academic Achievement Act
42 U.S.C. 11301	McKinney-Vento Homeless Educational Assistance Act
Title 20, Chapter 33, Subchapter I	Individuals with Disabilities Education Act

Cross References

	Description
3110	Entrance, Placement, and Transfer
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound

Policy 3110: Entrance, Placement, and Transfer

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

Entrance, Date, and Age

The trustees will enroll and admit a child to a school in the district when the child is 5 years of age or older on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age who is a resident of the District. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the Trustees.

Non-resident students may be admitted at the discretion of the Trustees. Children will be enrolled in the grade identified in accordance with District policy or at the discretion of the of the administration in consultation with the student's parents or guardians. The District requires proof of identity and an immunization record for every child to be admitted to District schools.

The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this Policy.

School Entrance

1. The District requires that a student's parents, legal guardian, or legal custodian present proof of identity of the child¹ to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141.

2. To be admitted to District schools, in accordance with the Montana Immunization Law, a child must have been immunized against varicella, diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents approved by the department. Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.

3. The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by Every Student Succeeds Act (ESSA) and

the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation and ensure a student receives education services in the best interests of the child. The Superintendent or designee shall serve as point of contact with all applicable agencies to review records, facilitate services and resolve disputes.

Placement

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

Children_of_Relocated_Military_Families

The Board shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the District prior to arrival and establishing residency.

The student will be placed in student data management system as soon as enrolled under this provision. The student will attend classes during preliminary enrollment and the Board authorizes the administration to provide offsite instruction to the student if not present in the District. The District will include a student enrolled under this provision as part of the calculation of ANB.

Transfer

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

Elementary_Grades_(K-8)

A student transferring into the District will be admitted and placed subject to observation by appropriate teachers and a building principal during a probation period of two (2) weeks. Thereafter, should doubt rise 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 Standards, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Superintendent or the Board.

Montana Code Annotated References

	Description
20-1-101	Definitions
20-5-101	Admittance of child to school
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
44-2-511	School enrollment procedure
Title 20, Chapter 5, Part 5	Enrollment of Pupil by Caretaker Relative

Administrative Rules of Montana References

	Description
10.16.3122	Local Educational Agency Responsibility for Students with Disabilities
10.55.712	Class Size Elementary
10.55.713	Teacher load and class size
Title 10, Chapter 55	Accreditation Standards

Cross References

	Description
3100	Early Enrollment Exceptional Circumstances
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound
3125	Education of Homeless Children
3150	Part-Time Enrollment
3413	Student Immunization
3520	Student Fees, Fines, and Charges
3600-P(2)	Student Records - Special Student Records
8100	Transportation
8100-P(1)	Transportation

Policy 3120: Compulsory Attendance

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Revised Date:** 06/24/2020 | **Last Reviewed Date:** 06/24/2020

Compulsory Attendance

Attendance in school is mandatory for all students in accordance with MCA 20-5-102, and/or Blackfeet Tribal Code 71-2004 whichever applies. The child shall attend the school in which enrolled for the school term and each day within the prescribed school year until the latter of the following date: the child's 18th birthday. Exceptions to this will occur in the event the student is enrolled in another public school, enrolled in a home or nonpublic school that complies with MCA 20-5-109 or the child is excused from compulsory school attendance by the Board of Trustees or district judge. Enrollment shall occur within the first week of the school term unless the conditions noted above exist.

School Admittance

Early School Admittance - Students who are residents of the district and who are *at least 4 years of age on or before the 10th day of September* for PreK students and 5 years of age on or before the 10th day of September will register and enroll in Browning Public Schools for Kindergarten students. Students younger than this age may enter school through Board of Trustee approval of early admittance. Action for early admittance will be based on assessment of the child's skills indicating potential success in a school environment.

Immunization - Proof of immunization and a birth certificate are required for admission to Browning Public Schools. However, immunization requirements may be waived if exemption is obtained for religious or health reasons through the State of Montana Department of Public Health and Human Services and appropriate documentation is provided.

Admission to High School During the School Term - All students may enter school at any given time during the school term.

Admission to High School for Students 19 Years of Age or Older - Students who are 19 years old before September 10th of the current school year are required to obtain Board approval prior to school entry. Students over the age of 19 must be approved annually in order to attend Browning Public Schools. Students who turn 21 while enrolled in school will be allowed to attend and finish the semester. If within one semester of graduation, the 21-year old student may be allowed to finish the semester in order to complete high school graduation requirements.

Admission of Non-resident Students - Residency will be determined for each student attempting to enroll in Browning Public Schools. Nonresident students must request Board permission to attend Browning Public Schools. All non-resident students who attempt to transfer to Browning Public Schools will be considered for acceptance except when the following conditions are evident:

- A student has been suspended, expelled, or refused registration as the result of possession of a weapon, a violent act, or distribution or sale of an illegal substance in another district;
- The student will not be considered for entry into Browning School District during the district of resident's consideration of a disciplinary action or duration of the disciplinary action.

Transfer

Students who newly enter Browning Public Schools from a private or homebased school or who transfer back to the District after being out of school for a year or more are required to be assessed with curriculum -based measures from District developed grade level exit tests or course offerings at the secondary level. All students will be assessed with District writing, reading and math. Formal, normative individually administered assessment may be administered. Assessment will occur within 10 school days of school entry.

Secretaries are required to contact the school of transfer origin and determine whether the student received special education services, and ensure formal records request has occurred.

High school transcripts will be reviewed by the school counselor and recommendations summarized in written form. A summary and a copy of the transcripts will be prepared and provided to the high school principal for determination of credit acceptance. Acceptance of credit will be based on the criteria for course hours and content noted in the Montana Accreditation Standards.

Attendance

In accordance with MCA 20-5-102 and/or Blackfeet Tribal Code and Resolution 71-2004 a student shall not voluntarily withdraw from school without having reached his/her 18th birthday or completing 8th grade whichever applies.

Students are considered truant after any third unexplained consecutive absence.

Montana Code Annotated References

	Description
20-1-308	Religious instruction released time program
20-5-101	Admittance of child to school
20-5-102	Compulsory enrollment and excuses
20-5-103	Compulsory Attendance and Excuses
20-5-104	Attendance officer
20-5-106	Truancy
20-5-107	Incapacitated and indigent child attendance
20-5-108	Tribal agreement with district for Indian child compulsory attendance and other agreements
20-5-202	Suspension and expulsion
40-6-701	Interference with fundamental parental rights restricted

Cross References

	Description
2335	Health Enhancement

Policy 3121: Enrollment and Attendance Records

Status: ADOPTED

Original Adopted Date: 10/12/2021 | **Last Reviewed Date:** 10/12/2021

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

A district may only include, for ANB purposes, any student who participates in pupil instruction as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20, including but not limited to an enrolled student who is:

- a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Living with a caretaker relative under Section 1-1-215, MCA;
- receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the 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 the district expense under 20-9-706, MCA;
- receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district, or;
- A student of the district completing work on a proficiency basis in accordance with Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- A student gaining credit for participating in a work-based learning program pursuant to [New Section 8] of Chapter 247, Laws of 2021 and Policy 2600;
- A student participating in an "innovative educational program" as defined in Section 15-30-3102, MCA.
- a resident of the district attending a Montana job corps program under an inter-local agreement with the district under 20-9-707, MCA.
- A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under Section 20-9-707, MCA.
- A student with a disability who is over 19 years old but under 21 years of age, has been enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools, if the following criteria are satisfied:
 - the student has not graduated;
 - the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and

- the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet one or more of the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.

Enrollment for Purposes of Participation in Extracurricular Activities by an Unenrolled Child or Part Time Enrolled Student

The District shall include for ANB purposes a child who during the prior school year:

- a. resided in the district;
- b. was not enrolled in the district or was not enrolled full time; and
- c. completed an extracurricular activity with a duration of at least 6 weeks in accordance with Policy 3510.

Each completed extracurricular activity that, inclusive of practices and post-season tournaments, lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A child may not be counted as more than one full-time enrollment for ANB purposes.

For purposes of calculating ANB under this section, "extracurricular activity" means:

- a. a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
- b. an approved career and technical student organization, pursuant to Section 20-7-306, MCA; or
- c. a school theater production.

Homeless Youth and Foster Children

Assignment to schools shall be subject to modification when federal law applicable to students placed in foster care or students who are homeless requires that such students be educated in a "school of origin" that differs from the assigned school.

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.

Montana Code Annotated References

Description

1-1-215	Residence - rules for determining
20-1-101	Definitions
20-3-324	Powers and duties
20-5-101	Admittance of child to school
20-5-112	Participation in extracurricular activities
20-7-118	Offsite Provision of Educational Services
20-7-1510	Credit for participating in work based learning partnerships
20-9-311	Calculation of Average Number Belonging
20-9-706	Running start program
20-9-707	Agreement with Montana youth challenge program or accredited Montana job corps program

Montana Code Annotated References

Title 20, Chapter 7, Part 18

Description

Early Literacy Targeted Intervention

Administrative Rules of Montana References

10.20.102

Description

Calculation of Average Number Belonging

Code of Federal Regulations References

34 CFR 300.1, et seq.

Description

Individuals with Disabilities Education Act

Cross References

2050

Description[Innovative Student Instruction](#)

2168

[Remote Instruction from Non-District Sources](#)

2170

[Digital Academy Classes](#)

2170-P(1)

[Digital Academy Classes](#)

2600

[Work Based Learning](#)

2600-P(1)

[Work Based Learning - Work-Based Learning Experience](#)

2600-NF(1)

[Work Based Learning - Work Based Learning Agreement](#)

3100

[Early Enrollment Exceptional Circumstances](#)

3110

[Entrance, Placement, and Transfer](#)

3122

[Attendance Policy](#)

3150

[Part-Time Enrollment](#)

PENDING

Procedure 3121-P(1): Enrollment and Attendance Records - Homebound

Status: ADOPTED

Original Adopted Date: 05/31/2000 | **Last Reviewed Date:** 05/31/2000

Browning Public Schools is committed to providing sound educational services to students within the physical school environment among same age peers. However, homebound instruction is an optional service available to any student enrolled in Browning School District #9 when a student is unable to attend school. Homebound instruction consists of tutorial support in teacher assigned work.

Acceptable reasons for being considered for provision of homebound instruction include the following:

- 1) A physician has documented a physical reason for out-patient, extended home stay. The duration of homebound instruction is defined by the physician's statement of need for duration of services.
- 2) A student has enrolled in a residential treatment center.
- 3) A student has been hospitalized.
- 4) The Board of Trustees or a Child Study Team in conjunction with the Special Education Director has determined that homebound instruction is in the best interest of the child or functions as an alternative placement.
- 5) Special circumstances have resulted in the need for homebound services.
- 6) The student is about to give birth or has given birth within the last 6 weeks.

Pregnancy and child rearing do not, in and of themselves, qualify a student for homebound instruction. In most cases, students with issues related to parenting must enroll with the appropriate programs offered by Browning Public Schools.

Montana Code Annotated References

Montana Code Annotated References	Description
1-1-215	Residence - rules for determining
20-1-101	Definitions
20-3-324	Powers and duties
20-5-101	Admittance of child to school
20-5-112	Participation in extracurricular activities
20-7-118	Offsite Provision of Educational Services
20-7-1510	Credit for participating in work based learning partnerships
20-9-311	Calculation of Average Number Belonging
20-9-706	Running start program
20-9-707	Agreement with Montana youth challenge program or accredited Montana job corps program
Title 20, Chapter 7, Part 18	Early Literacy Targeted Intervention

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.20.102	Calculation of Average Number Belonging

Code of Federal Regulations References

Code of Federal Regulations References	Description
34 CFR 300.1, et seq.	Individuals with Disabilities Education Act

Cross References

Cross References	Description
2050	Innovative Student Instruction
2168	Remote Instruction from Non-District Sources

Cross References

2170

2170-P(1)

2600

2600-P(1)

2600-NF(1)

3100

3110

3122

3150

Description[Digital Academy Classes](#)[Digital Academy Classes](#)[Work Based Learning](#)[Work Based Learning - Work-Based Learning Experience](#)[Work Based Learning - Work Based Learning Agreement](#)[Early Enrollment Exceptional Circumstances](#)[Entrance, Placement, and Transfer](#)[Attendance Policy](#)[Part-Time Enrollment](#)

PENDING

Policy 3122: Attendance Policy

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Reviewed Date:** 08/28/1996

Regular attendance in school promotes student success and positively influences academic achievement. Parents and guardians provide the necessary support for student commitment to attend school regularly and therefore will be informed of each absence. Regular attendance and demonstrating having met course objectives are requirements for receiving credit in any class.

PRIMARY/ELEMENTARY (PreK-5) TARDY RULE: Students are expected to arrive at school on time. Students will be counted tardy to school if they arrive after the school day has begun.

SECONDARY (7-12) CLASS TARDY RULE: Students are expected to arrive in their assigned class before the bell rings. A student who enters the classroom after the bell has rung will be required to sign the tardy log. Students will receive disciplinary consequences from the school office for excessive class tardiness.

ABSENCE NOTIFICATION BY PARENT/GUARDIAN: A student's parent/guardian (K-12) must contact the school secretary or attendance clerk on the morning of the absence to verify the reason for the absence. If this is not possible, verification must be given to the attendance office on the day of return.

Absence Notification to Parent/Guardian: Attempts to notify parents or guardians of their child's absence, in the event the child has not been reported absent by the parent, will occur by the end of the school day to assure that parent, guardian, or legal custodian is aware of the child's absence from school (MCA 44-2-507).

TEN DAY ABSENCE RULE: All Browning Public Schools are responsible for contacting Blackfeet Family Court when a child misses more than ten (10) days of school during a semester.

CLASSIFICATION OF ABSENCES

The following absences count against the Ten-Day Absence Rule:

- **Illness:** This is an absence involving students who stay at home due to an illness; however, they do not have a medical verification slip (A).
- **Cultural Activities:** This is an absence involving students who are excused from school by their parent/guardian to participate in non-school related cultural activities. **(Any further absences after 3 days will count against the ten-day rule).**
- **Weather:** This absence involves students whose parents feel it is unsafe for their children to come to school due to weather related issues (A).

The following absences **do not** count against the Ten-Day Absence Rule:

- **School Related:** This is an absence involving participation in school sponsored activities away from school. Students under school sponsorship are automatically excused and have full make-up privileges (SR).
- **Medical Absence:** Absences caused by a student's medical or dental treatment or emergency illnesses are considered medical absences. These absences must be verified in writing by an attending physician, physician's assistant, nurse or community health nurse and be provided to the building secretary or attendance clerk (MA).
- **Special Circumstances:** This class of absences are the result of: a death of an extended family member (student's parent, legal guardian, brother, sister, aunt, uncle, and grandparent), or circumstances beyond the control of the

student, hospitalization of extended family, other family emergencies. Verified special circumstances will result in excused absences and full make up privileges. Consideration for a special circumstance absence is determined at the discretion of the building principal (SC).

- Cultural Activities: This is an absence involving students who are excused from school by their parent/guardian to participate in non-school related cultural activities. (3 days a year only)
- Weather: If the District calls off school due to weather and/or doesn't run school buses due to road closure or road safety. Parents may need to communicate with school when this is an issue.
- Military Recruitment: with documentation, students who attend military recruitment activities. i.e. medical exams, orientation, etc.

All absences have makeup privileges for the student class work. Students will receive 2 days to make up the class work for each day absent. Special considerations will be made for those students who have lengthy extended absences as provided through the Office of the Principal when requested by the parent/guardian.

APPEAL PROCESS:

Where the attendance is due to extended illness or circumstances beyond the student's control, an appeal may be filed in accordance with policy 3900.

- The appeal must contain:
 - ✓ A letter from the student stating the reason that they exceeded ten (10) absences.
 - ✓ A letter from the student's parent(s)/guardian(s).
 - ✓ Any relevant documentation. Example: Doctor's statements.

Cross References

3121

3121-P(1)

Description

[Enrollment and Attendance Records](#)

[Enrollment and Attendance Records - Homebound](#)

Policy 3125: Education of Homeless Children

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

Education of Homeless Children

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

Education of Children in Foster Care

Each foster child is entitled to equal access to the same free, appropriate public education as provided to other students. The trustees must assign and admit a child who is in foster care to a school in the District regardless of residence and irrespective of whether the foster child is able to produce records normally required for enrollment.

The superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children, foster children, and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residence, birth certificates, school records and other documentation.

Homeless students and students in foster care shall have access to services comparable to services offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which the 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, as well as programs for gifted and talented students; and
5. School nutrition program.

The superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The superintendent shall appoint a liaison for homeless children as well as a foster care point of contact for students in foster care.

A “homeless child” is defined as provided in the McKinney Homeless Assistance Act.

A “child in foster care” is defined as a “24-hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility.” (ESSA, 2017)

A complaint regarding the placement or education of a homeless child or foster child shall first be presented orally and informally to the district’s homeless liaison and the foster care point of contact. Thereafter, a written complaint must be filed in accordance with the District’s Uniform Complaint Procedure.

Montana Code Annotated References

20-5-101

Description

Admittance of child to school

United States Code References

42 U.S.C. 11301

Description

McKinney-Vento Homeless Educational Assistance Act

Cross References

1700

Description

[Uniform Complaint Procedure](#)

Cross References

3110

Description

[Entrance, Placement, and Transfer](#)

PENDING

Policy 3130: Students of Legal Age

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 04/13/2021

Students of Legal Age

Every student eighteen (18) years of age or older like all other students, will comply with the rules established by the District, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and state law. The administration is authorized to make exceptions to this policy for students related to reasons that include but are not limited to homelessness, emancipation, or applicable court order.

Forms

Adult students who reside with parents or guardians and/or are classified as dependents of parents or guardians for tax purposes must have applicable forms completed by parents or guardians.

Admission to School

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

Field Trips/Athletic Programs

Approved forms for participation will be required of all students. The form should indicate that the signature is that of the parent.

Absence/Lateness/Tuancy

Absence notes will be signed by parents or guardians. Excessive absences will result in consequences according to policy 3122P and will be reported on the report card.

Suspension/Expulsion

All suspension and/or expulsion proceedings will conform to the requirements of state statutes. Notification of all such proceedings will be sent to parents or guardians.

Withdrawal from School

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

Permission to Inspect Student Records

A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.

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

Adult students can be held financially responsible for damage to school property.

Policy 3145: Foreign Exchange Students

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

It is the policy of the Board to recognize the benefits from foreign exchange students attending school in the District. The Board does not, however, sponsor student foreign exchange programs. The District does not provide any financial contribution to the student. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend either elementary or secondary school. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the District.

United States Code References

20 U.S.C. 221, et seq.

Description

Foreign and Exchange Students

Cross References

2410

2410-P(1)

Description

[High School Graduation Requirements](#)

[High School Graduation Requirements - Early Graduation](#)

PENDING

Policy 3150: Part-Time Enrollment

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 07/13/2021

Part-Time Attendance

The District will review requests for part-time enrollment of students for purposes of academic courses on a case-by-case basis, with a building principal making a preliminary decision pursuant to the criteria set forth in this Policy. Denial of part-time enrollment may be appealed pursuant to policy 1700.

Criteria for accepting students for part-time enrollment are the following:

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

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

Participation in District Extracurricular Activities by Unenrolled Children

This policy does not restrict or limit the ability of unenrolled children to seek to participate in extracurricular activities in accordance with Policy 3510. The District may secure ANB for unenrolled children participating in identified extracurricular activities in accordance with Policy 3121.

Montana Code Annotated References

Montana Code Annotated References	Description
20-5-101	Admittance of child to school
20-5-112	Participation in extracurricular activities
20-9-311	Calculation of Average Number Belonging

Cross References

Cross References	Description
2050	Innovative Student Instruction
2333	Participation in Commencement Exercises
2410	High School Graduation Requirements
2410-P(1)	High School Graduation Requirements - Early Graduation
3110	Entrance, Placement, and Transfer
3121	Enrollment and Attendance Records
3121-P(1)	Enrollment and Attendance Records - Homebound
3510	School-Sponsored Activities
3510-P(1)	School-Sponsored Activities - Academic Eligibility
3550	Student Clubs
3550-NF(1)	Student Clubs - Student Club or Group form
7260	Endowments, Gifts, and Investments
7425	Extra-Curricular Funds
7425-P(1)	Extra-Curricular Funds - Extracurricular Funds
8130	Outdoor Air Quality Restrictions
8132	Activity Trips

Policy 3210: Equal Educational Opportunity, Nondiscrimination and Sex Equity

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Revised Date:** 01/11/2011 | **Last Reviewed Date:** 01/11/2011

Browning Public Schools, District #9 is committed to nondiscrimination in the provision of all educational services. As equal educational opportunity is a fundamental right under both the Montana and United States Constitutions, it is the policy of this District to provide a learning environment free of discrimination. All students shall have opportunities to participate in the general curriculum and co-curricular activities. This includes physical facility access, a climate of tolerance and respect for each individual and reasonable accommodation.

All students have the opportunity to participate in and receive benefits from all programs or activities including, but not limited to, course offerings, graduation requirements, athletics, counseling services, extracurricular and other school-related activities.

Discrimination in education because of sex, race, color, creed, religion, national origin, age, physical or mental handicap, political belief, marital or parental status, sexual orientation, or gender identity and expression is prohibited unless based upon reasonable grounds as provided by law. The District is committed to taking the appropriate and feasible remedial action necessary to eliminate existing discrimination and its effects.

Inquiries regarding sexual harassment/intimidation should be directed to the Browning Public Schools Title IX Coordinator and in the case of discrimination based on a suspected or known disability, the Browning Public Schools 504 Coordinator contacted. In compliance with federal regulations, the District will notify annually all students, parents, staff, and community members of this policy and the designated coordinator(s) to receive inquiries. Notification should include the name and location of the coordinator and will be carried in all handbooks and published in community newspapers.

Montana Code Annotated References

49-2-307

Description

Discrimination in education

49-3-101, et seq.

Montana Human Rights Act

Montana Constitution References

Article X, Section 7

Description

Nondiscrimination in education

Administrative Rules of Montana References

10.55.801

Description

School Climate

10.55.802

Opportunity and Educational Equity

10.55.803

Learner Access

10.55.804

Gifted and talented

24.9.1001, et seq.

Sex Discrimination in Education

United States Code References

20 U.S.C. 1681, et seq.

Description

Title IX of the Education Amendments of 1972

Code of Federal Regulations References

34 CFR Part 106

Description

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

1700

Description

[Uniform Complaint Procedure](#)

2162

[Section 504](#)

2162-P(1)

[Section 504](#)

Cross References

3225

3225-P(1)

3226

4210

Description

[Sexual Harassment of Students](#)

[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)

[Bullying](#)

[School-Support Organizations, Boosters and Fundraising](#)

PENDING

**Procedure 3210-P(1): Equal Educational Opportunity, Nondiscrimination and Sex Equity -
Equal Education. Nondiscrimination and Sex Equity**

Status: ADOPTED

Original Adopted Date: 03/10/2015 | **Last Reviewed Date:** 03/10/2015

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, accrual or potential marital or parental status, or, in accordance with binding guidance of the Federal Office of Civil Rights regarding the scope of Title IX's sex discrimination prohibition, gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity.

No student, on the basis of sex or, in accordance with binding guidance of the Federal Office of Civil Rights regarding the scope of Title IX's sex discrimination prohibition, gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

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

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

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

Procedural Review:

The inclusion of "gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity" as protected classes under this discrimination policy is optional for each school district. The option is included based on guidance provided by the Office of Civil Rights of the U.S. Department of Education (OCR), and represents OCR's position with regard to what Title IX requires regarding discrimination against transgender students. The OCR's assertion of authority for transgender issues is based on the prohibition in Title IX from discrimination on the basis of gender. There is nothing in the text of Title IX or the rules implementing Title IX, however, that specifically prohibits discrimination under Title IX on the basis of transgender status.

Worth considering, however, is the process that occurs when a complaint is made to OCR. If a complaint is made alleging that a district has discriminated on the basis of gender, OCR will conduct an investigation. If the investigator concludes that a violation of federal law has occurred or is ongoing, OCR is required to attempt to resolve the matter informally. OCR accomplishes informal resolution by generating a list of requirements that the school district must meet in order to achieve compliance with federal law - basically a corrective action plan. Compliance is purely voluntary, but failure to comply results in the case being set for hearing. The hearing is conducted in Washington, DC or at the OCR offices, and the point of the hearing is to determine whether the district has violated or is in violation of a federal law. If the hearing officer determines that a violation has occurred or is occurring, the hearing officer has the authority to suspend all federal financial assistance to the school district until the school district complies with the requirements set forth in the hearing officer's order.

Upon receipt of an adverse OCR decision, a school district can request a review by the US Secretary of Education, or can request judicial review by a federal district court. A stay of the suspension of federal funding pending judicial review is not automatic. Rather, it is within the discretion of OCR to postpone suspension of funding, or not. The federal judge is authorized to stay suspension of funding only when necessary to prevent "irreparable injury" (5 USC

705). Thus, it is possible that the impacted school could be left entirely without federal funding pending court review of the adverse OCR decision. The federal district court would have the authority to either uphold or reverse the order of the OCR, but that decision does not necessarily bring the matter to a conclusion, as the court's decision could then be appealed by either party to the appropriate appellate circuit, and then to the US Supreme Court.

Because of the onerous OCR complaint process, the related expense of possibly protracted litigation, and the potential for loss of all federal funding (at least temporarily) as a result, it is advisable to consult with the district's legal counsel when making the policy decision of whether or not to include transgender status as a protected class under district policy. It is also advisable to inquire with the district's insurance carrier as to whether or not the district has coverage for the above-described legal proceedings. Many standard school district policies include exclusions from coverage for injunctive proceedings with no money damages, which could likely include the OCR complaint process and subsequent judicial review litigation.

Montana Code Annotated References

49-2-307

Description

Discrimination in education

49-3-101, et seq.

Montana Human Rights Act

Montana Constitution References

Article X, Section 7

Description

Nondiscrimination in education

Administrative Rules of Montana References

10.55.801

Description

School Climate

10.55.802

Opportunity and Educational Equity

10.55.803

Learner Access

10.55.804

Gifted and talented

24.9.1001, et seq.

Sex Discrimination in Education

United States Code References

20 U.S.C. 1681, et seq.

Description

Title IX of the Education Amendments of 1972

Code of Federal Regulations References

34 CFR Part 106

Description

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

1700

Description

[Uniform Complaint Procedure](#)

2162

[Section 504](#)

2162-P(1)

[Section 504](#)

3225

[Sexual Harassment of Students](#)

3225-P(1)

[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)

3226

[Bullying](#)

4210

[School-Support Organizations, Boosters and Fundraising](#)

Policy 3221: Student Publications

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Reviewed Date:** 04/13/2000

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

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

The Superintendent shall develop guidelines to implement these standards and shall establish procedures for the prompt review of any materials, which appear not to comply with the standards. The building administrator is responsible for the publication's compliance with established guidelines.

PENDING

Policy 3222: Distribution and Posting of Materials

Status: ADOPTED

Original Adopted Date: 11/30/2021 | **Last Reviewed Date:** 11/30/2021

Distribution and Posting of Student Materials

District policy allows distribution of materials for student curricular clubs and non-curricular groups.

The Superintendent, building principal, or designee must approve all materials before they may be distributed or posted. Materials distributed or posted will include a notation to inform the recipient if the material is from a curricular student club or non-curricular student group.

To facilitate the distribution of materials with information about student activities, each school may maintain a centrally located bulletin board for the posting of materials, and/or maintain a table available to students for placing approved materials. Materials may also be posted on designated walls in the school buildings.

Materials from a curricular student club or non-curricular student group, which provide information valued or needed by the students of the school district may be distributed, except those that would:

- A. Disrupt the educational process;
- B. Violate the rights of others;
- C. Invade the privacy of others;
- D. Infringe on a copyright;
- E. Violate District policy, procedure, or administrative directive;
- F. Be obscene, vulgar or indecent; or
- G. Promote violence, discriminatory conduct, the use of drugs, alcohol, tobacco, nicotine and any other tobacco innovation, firearms, or certain products that create community concerns.

All non-student community materials must be reviewed and approved by the Superintendent, building principal, or designee in accordance with Policy 4331.

Cross References

3233

Description

[Student Use of Buildings](#)

4331

[Use of School Property for Posting Notices](#)

Policy 3225: Sexual Harassment of Students

Status: ADOPTED

Original Adopted Date: 04/28/2021 | **Last Reviewed Date:** 04/28/2021

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

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

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

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

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

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

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

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or

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

Confidentiality

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

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email

address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator’s contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual

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

Conflict of Interest and Bias

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

Determination of Responsibility

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

Montana Code Annotated References

	Description
20-5-201	Duties and Sanctions
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
49-3-101, et seq.	Montana Human Rights Act

Montana Constitution References

	Description
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.719	Student Protection Procedures
10.55.801	School Climate

United States Code References

20 U.S.C. 1681, et seq.

42 USC 2000d et seq.

42 USC 2000e et seq.

Description

Title IX of the Education Amendments of 1972

Civil Rights Act, Title VI

Civil Rights Act, Title VII

Code of Federal Regulations References

34 CFR Part 106

Description

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

1700

3210

3210-P(1)

3226

3300

3310

3310-P(1)

3310-P(2)

5232

5232-NF(1)

Description

[Uniform Complaint Procedure](#)

[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)

[Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity](#)

[Bullying](#)

[Suspension and Expulsion](#)

[Student Discipline](#)

[Student Discipline - Student Drivers](#)

[Student Discipline - Applications of Sanctions](#)

[Abused and Neglected Child Reporting](#)

[Abused and Neglected Child Reporting - Child Abuse Reporting Form](#)

PENDING

Procedure 3225-P(1): Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Sexual Harassment Grievance

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

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

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

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

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

District Requirements

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

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

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

Timelines

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

Response to a Formal Complaint

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

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

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

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

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations

must be provided to known parties.

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

Investigation of a Formal Complaint

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

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';
2. Provide an equal opportunity for the parties to present witnesses and evidence;

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

Dismissal of Formal Complaints

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

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

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

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

Evidence Review

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

Investigative Report

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

Decision-Maker's Determination

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

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

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

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

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

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

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

Appeals

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

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

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

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

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

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

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

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

Recordkeeping

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

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

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has

taken measures designed to restore or preserve equal access to the District's education program or activity.

Montana Code Annotated References

	Description
20-5-201	Duties and Sanctions
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
49-3-101, et seq.	Montana Human Rights Act

Montana Constitution References

	Description
Article X, section 1	Educational Goals and Duties

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.719	Student Protection Procedures
10.55.801	School Climate

United States Code References

	Description
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

Code of Federal Regulations References

	Description
34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

	Description
1700	Uniform Complaint Procedure
3210	Equal Educational Opportunity, Nondiscrimination and Sex Equity
3210-P(1)	Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity
3226	Bullying
3300	Suspension and Expulsion
3310	Student Discipline
3310-P(1)	Student Discipline - Student Drivers
3310-P(2)	Student Discipline - Applications of Sanctions
5232	Abused and Neglected Child Reporting
5232-NF(1)	Abused and Neglected Child Reporting - Child Abuse Reporting Form

Policy 3226: Bullying

Status: ADOPTED

Original Adopted Date: 04/08/2021 | **Last Reviewed Date:** 04/08/2021

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

Definitions

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

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

Montana Code Annotated References

	Description
20-1-233	Certain District Policies Restricted
20-5-207, et seq	Bully Free Montana Act
20-7-118	Offsite Provision of Educational Services
49-2-307	Discrimination in education

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.719	Student Protection Procedures
10.55.801	School Climate

Cross References

	Description
1700	Uniform Complaint Procedure
3210	Equal Educational Opportunity, Nondiscrimination and Sex Equity
3210-P(1)	Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity
3225	Sexual Harassment of Students
3225-P(1)	Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students
3300	Suspension and Expulsion

Cross References

3310

3310-P(1)

3310-P(2)

Description

[Student Discipline](#)

[Student Discipline - Student Drivers](#)

[Student Discipline - Applications of Sanctions](#)

PENDING

Policy 3231: Searches and Seizure

Status: ADOPTED

Original Adopted Date: 08/08/1995 | **Last Revised Date:** 03/11/2014 | **Last Reviewed Date:** 03/11/2014

The Board of Trustees is committed to creating a school environment that is safe and orderly for all students and staff. The school has the authority over all items considered school property. Items such as lockers, desks and tote trays, which are provided solely for the convenience of the students, are considered the exclusive property of the school. At no time does the school relinquish its control and authority over such property. No student may use a locker, desk or tote tray or any other district property as a depository for any substance or object which is prohibited or which constitutes a threat to the health safety or welfare of the occupants of the school building itself. Students are prohibited from using their own locks on any school property. If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice or consent. Any unauthorized locks may be removed and destroyed without notice. The school district reserves the right to inspect any lockers desks, tote trays or any other district property at any time, without notice and without student consent.

School-Based Searches

In furtherance of its commitment to creating and maintaining a safe and orderly school environment for students and staff, school officials may search a student's person or property under circumstances where the school officials have reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials.

A search of a student may include:

1. The student's clothing including pockets.
2. A "pat down" of the exterior of the student's clothing.
3. Any item used or in the possession of the student.
4. Depending upon the nature of the information providing the basis for reasonable suspicion, other search techniques may be employed.

Searches of the person of a student will be conducted by a school official (including school security personnel) of the same gender, with an additional adult witness present with permission of the building administrator. If emergency conditions require a more intrusive search of a student's person than a "pat down" or emptying of the pockets, such a search maybe conducted by a building administrator of the same gender present and with an adult witness of the same gender. Permission of the district superintendent is required for an intrusive search unless the health and safety of students would be endangered by any delay caused by following this procedure. Although parent presence is not required during a search, the district will engage in a reasonable attempt to inform the parent that a search is required of student's person or property.

Students are permitted to park on school premises as a matter of privilege, not of right. The school district retains the authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interior and trunks of vehicles parked on school property may be subject to search by school officials under circumstances where officials have reasonable suspicion that illegal or unauthorized materials are contained inside. Such patrols and inspection and any resulting searches may be conducted without notice and without student consent.

Any action by a student who fails to cooperate with or hinders an appropriate search shall be construed as grounds for disciplinary action and may include suspension and recommendation for expulsion.

Law Enforcement Contact

Any contraband or controlled substance discovered, as a result of a search the possession of which may constitute a criminal violation, will be seized and a chain of custody maintained. Under those circumstances, school officials will make written report of the incident to the local law enforcement officials. This report shall include the names of the persons involved, the date, time and location and the chain of custody.

A law enforcement officer who desires to interview a student regarding possible illegal activity during school hours

must report to the building principal. The building principal will attempt to notify the parent of the interview.

Under circumstances where students are to be interviewed by law enforcement officers on school grounds during school hours, a parent and/or school official will be present during the interview. The school official will keep a record of any such interviews.

A law enforcement officer who desires to remove a student from school during school hours must report to the building principal and advise him/her of the officer's intentions. The building principal shall request a copy of any arrest warrant or other documentation supporting the officer's need to remove the student. In all cases, the building principal or designee will make immediate attempts to contact the student's parent(s) and advise the parent(s) of the actions being undertaken by the law enforcement officials. The building principal will maintain a record including the identity of the law enforcement officials involved, the documentation provided by the officials supporting their need to remove the student, the result of attempts at parental contact and the time and date of the student's removal.

United States Constitution References

Fourth Amendment

Description

Unreasonable Search and Seizure

United States Supreme Court References

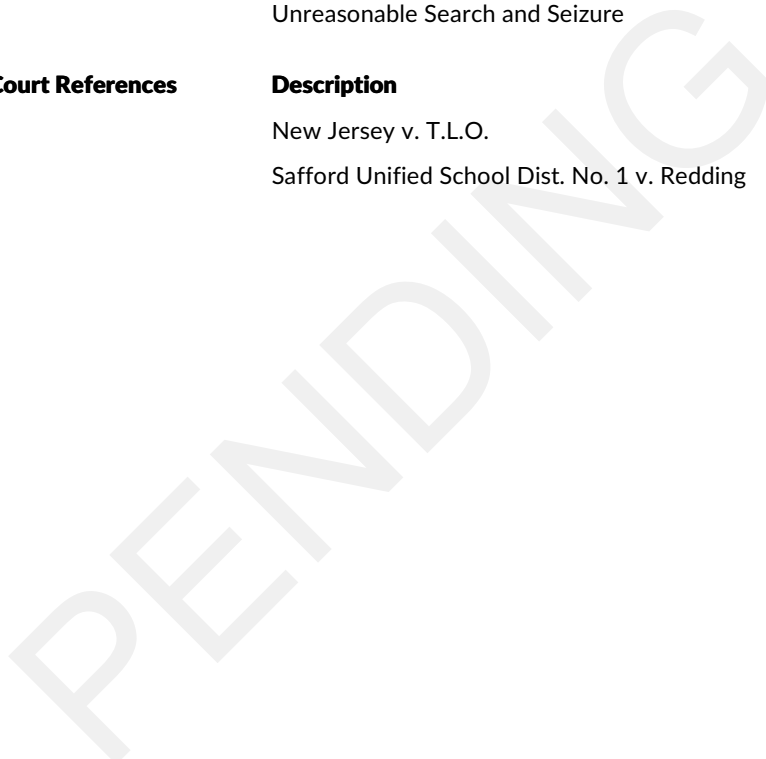
469 U.S. 325 (1985)

557 U.S. 364 (2009)

Description

New Jersey v. T.L.O.

Safford Unified School Dist. No. 1 v. Redding



Policy 3233: Student Use of Buildings

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

Student Use of Buildings: Equal Access

Non-curricular groups of students not previously recognized as curricular student organization under Policy 3510 or 3550 may gather on school premises under the following guidelines without restriction on the basis of the religious, political, philosophical, or other content of the meeting. Students wishing to form curricular groups or organizations recognized by the school administration may do so in accordance with policy 3510 or 3550.

This policy shall be made available to all interested individuals upon request and posted on the District's website. Parents and families shall be provided information about the nature and purpose of student clubs and groups meeting at the school and methods to consent to participation or opt out of participation consistent with parent/family rights.

The following guidelines must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school district, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school district are present only in a capacity outside of their official duties.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the principal.

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Montana Code Annotated References

20-5-201

Description

Duties and Sanctions

40-6-701

Interference with fundamental parental rights restricted

Montana Constitution References

Article II, section 6

Description

Freedom of Assembly

United States Code References

20 USC 4071

Description

Equal Access Act

United States Supreme Court References

496 U.S. 226 (1990)

Description

Board of Education v. Mergens

Cross References

2132

Description

[Student and Family Privacy Rights](#)

2332

[Religion and Religious Activities](#)

Cross References

3222

3550

3550-NF(1)

Description

[Distribution and Posting of Materials](#)

[Student Clubs](#)

[Student Clubs - Student Club or Group form](#)

PENDING

Policy 3235: Video Surveillance

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Reviewed Date:** 04/13/2000

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property, and to safeguard District facilities and equipment. Video cameras may be used in locations as deemed appropriate by the Superintendent.

The District shall notify staff and students through student/parent and staff handbooks that video surveillance may occur in District property.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video recordings may become a part of student's educational record or a staff member's personnel record. The District shall comply with all applicable state and federal laws related to record maintenance and retention.

Audio shall not be a part of the video recordings made, reviewed, or stored by the District.

Cross References

Description

3600-P(2)

[Student Records - Special Student Records](#)

3650

[Montana Pupil Online Personal Information Protection Act](#)

3650-NF(1)

[Montana Pupil Online Personal Information Protection Act - Contract and Terms-of-Service Agreement](#)

Policy 3300: Suspension and Expulsion

Status: ADOPTED

Original Adopted Date: 08/08/1995 | **Last Reviewed Date:** 08/08/1995

Each student is expected to contribute to creating and maintaining a sound learning environment. Students shall behave in a safe and orderly manner. Student behavior will be respectful toward adults and other students. Students will engage in instructional task focus while in the school setting. Students have an obligation to avoid engaging in behavior that detracts from the learning environment of others. The school setting includes, school buildings, school vehicles, and traveling to and from school.

Behavioral expectations include, but are not limited to:

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3211.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3211.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3205 or participated in an investigation into alleged misconduct under Policy 3205.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document

used or intended to be used in connection with the operation of a school.

- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to

school or school activities, including but not limited to the circumstances

set forth below:

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

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

Discipline

The Superintendent is directed to ensure that each building administrator develops a discipline handbook consistent with Board policy. Each building administrator is responsible for developing discipline procedures that are consistent, appropriate for the developmental level of the students in the site, and to the extent possible, logically related to the inappropriate behavior of the child.

Discipline shall be consistent with state and federal regulations. Corporal punishment will not be used under any circumstances with students. Documentation will be kept in each building site regarding out-of-school suspension and expulsion on appropriate forms. This data will be submitted to the Superintendent or his or her designee by the building principal for reporting purposes to the Office of Public Instruction following the instructional year.

Suspension

The authority to suspend students for a short duration (10 or fewer days) lies with the building principal. Students may be suspended from school due to behavioral incorrigibility as demonstrated by failure to comply with District Policies or school rules, failure to submit to the authority of any adults employed by the school district while in the school and on school premises, or attending school sponsored functions. Continual and willful disobedience of school or classroom rules may also constitute suspension offences. Suspension may be of short duration or for the remainder of the current school year and include providing homework. Upon a finding by a school administrator that the immediate return to school by a student would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student is granted an informal hearing with the school administrator prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400, et seq.

Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When the board of trustees takes disciplinary action against a student, the Board must keep a written record of the action taken with detailed explanation, even if the disciplinary action is decided during a closed session. A disciplinary action that is educationally related is an action that results in the expulsion or out-of-school

suspension of the student.

Procedure

1. Principal or designee confers with the student to discuss and investigate the alleged the infractions.
2. The parent/guardian is called or notified regarding the decision to suspend and allowed to pick the student up if the parent/guardian can immediately arrange for transportation.
3. A written referral identifies the rule or policy violation and identifies the amount of time the student will be suspended for and conditions for re-entry. This written referral is provided to the parent /guardian when the child is escorted home or picked up following suspension.
4. Formal written summary of the investigation is to be provided to the parent /guardian and included in the discipline records.
5. Suspensions are logged on appropriate forms and patterns of suspension are considered for each child.
6. A re-entry meeting is held with the child, parent/guardian and school administration prior to school re-entry.
7. The student will re-enter the school site with a behavioral contract.

Discipline for Students with Disabilities

In the event a child has or suspected to have an educational disability, procedures 1-4 will occur as noted above and procedures 5-7 will be modified in the following manner:

1. If a pattern of suspensions becomes evident (at least 3 incidents) and a disability is suspected, an expedited evaluation to determine the existence of an educational disability will occur. For all students identified as having a disability and students suspected as having a disability, a functional behavior analysis and a manifestation determination will occur.
2. A Child Study Team/Individual Education Plan Team will convene a re-entry meeting and determine the following:
 - a. Is there evidence to support identification of an educational disability in the case of a student who is suspected as having a disability?
 - b. If not, is Section 504 of the Rehabilitation Act applicable? If no major life function is inhibited by the student's condition, then engage in re-entry meeting.
 - c. If a 504 applies include 504 considerations of reasonable accommodations in the behavior/re-entry plan.
 - d. If an education disability exists, identify the disability, analyze the behavior demonstrated by the student and determine whether the behavior is caused or is a manifestation of the disability.
1. Develop an Individual Education Plan that includes behavioral objective and a behavior intervention plan that will function to teach appropriate behavior and result in a decrease in the incidence of behavior resulting in suspension.

Appeal Procedure

Discipline resulting in suspension from school for less than 10 days may be appealed by notifying the Superintendent in writing within 10 days of the administrative decision to suspend. Notice of the appeal will be delivered by hand or by mail with return receipt requested. The Superintendent's review of the issue is limited to a determination of whether the administrative team followed applicable Board policies, Montana State, and Federal law. All decisions by the Superintendent described herein are final.

Suspensions of 10 days or more may be appealed to the Board of Trustees. The Board of Trustees is to be notified in writing within 10 days of the Superintendent's decision. The notice shall be hand delivered or delivered by certified, return receipt mail to the Superintendent's office. The Board of Trustees' review of the issue shall be limited to whether the Superintendent's decision was consistent with policy and Montana State and Federal Law. The decisions by Board of Trustees described herein are final.

Expulsion

The Superintendent shall make recommendation for expulsion to the Board of Trustees. Expulsion recommendations occur for serious, repeated infractions of student conduct or an individual, serious episode, which severely disrupts the school environment, causes injury or places students at risk of injury, or an infraction identified in the student handbook. Consideration of expulsion shall take place in hearing.

Procedure

A preliminary written recommendation is made to the Superintendent for expulsion and a copy forwarded to the Board Chair. The recommendation shall include:

- a. The specific charges and facts on which the recommendation is based.
- b. The recommended length of expulsion.
- c. Recommendation whether the student will receive credit or not for the current grading period.
- d. The names of persons who may be called as witnesses.

After receipt of the recommendation, the Chairperson shall promptly send copies of the recommendation to the student and student's parent or guardian. These copies shall be sent registered mail (return receipt requested). Copies sent to the student and the parent shall include:

- a. A specific date, time and location of the hearing.
- b. The student's right to present a defense.
- c. The student's right to be represented by another person.

At any time, a student or his/her parents or guardian fails to appear at the scheduled hearing, it will be assumed that the disciplinary action is accepted by all parties.

Expulsion Hearing

The Chairperson of the Board of Trustees shall determine whether the demands of the individual privacy of the student clearly exceed the merits of a public hearing. In his/her decision, the Chairperson shall consider the nature of the charges against the student, the testimony expected to be given, and the wishes of the student and his or her parents/guardians.

If the hearing is closed, all persons shall be excluded except the student, his/her parents/guardians, and his/her representative, the members of the Board, the person or persons presenting the recommendation and their representative, the Superintendent or his/her designee, and if a transcript is made, the secretary.

Whether the hearing is open or closed, persons who will give evidence shall be excluded from the hearing until they are called to testify. Evidence and testimony shall be given in the following order:

1. support of the expulsion.
2. against the expulsion.
3. rebuttal.

After a full hearing of all relevant matters, the Board shall decide whether to accept, reject or modify and accept the recommendation. Such decision shall be based on the evidence and testimony produced at the hearing.

If the hearing on the matter was closed, the approved draft (Findings of Fact) shall be adopted or rejected in open session. The board action will be noted in the minutes, the draft will not be available to the public. If the hearing on the matter was open, the draft shall be adopted or rejected in an open session.

Copies of the decision shall be sent to the parties of the proceeding after adoption.

Montana Code Annotated References

20-1-213

Description

Transfer of School Records

Montana Code Annotated References

20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
20-4-402	Duties of district superintendent or county high school principal
20-5-105	Attendance officer - power and duties
20-5-106	Truancy
20-5-201	Duties and Sanctions
20-5-202	Suspension and expulsion

Administrative Rules of Montana References

10.55.910	Student Discipline Records
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United States Code References

29 USC 701, et seq	Section 504 of the Rehabilitation Act
Title 20, Chapter 33, Subchapter I	Individuals with Disabilities Education Act

Code of Federal Regulations References

34 CFR 300.1, et seq.	Individuals with Disabilities Education Act
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Cross References

3225	Sexual Harassment of Students
3225-P(1)	Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students
3226	Bullying
3310	Student Discipline
3310-P(1)	Student Discipline - Student Drivers
3310-P(2)	Student Discipline - Applications of Sanctions
3311	Firearms and Weapons

Policy 3305: Seclusion and Restraint

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Reviewed Date:** 04/13/2000

Browning Public Schools is committed to creating procedures, which intervene with matters of potential crisis. The District is also committed to developing appropriate procedure, which result in planned responses to crisis situations so that danger is minimized and the safety of students and staff is ensured to the greatest extent possible.

The Superintendent is directed to develop a Crisis Intervention and Response reference document that provides clear and consistent guidelines for intervening, reporting and responding to potential crisis situations. The Crisis Response and Intervention document shall include, but is not limited to the following issues: suicidal threats and death, family, student body and staff death, bomb threats, fire, and other events requiring possible school evacuation.

The Crisis Intervention and Response document will be summarized in a format that allows for quick reference.

The summary will be posted in classrooms and near phones.

Training will be provided to staff, students, and substitutes at least annually.

Regulations reflecting the need for specific evacuation drill in State law and other Board policy will be adhered to.

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
40-6-701	Interference with fundamental parental rights restricted

Administrative Rules of Montana References

	Description
10.16.3346	Aversive Treatment Procedures
37.111.825	Health Supervision and Maintenance

United States Code References

	Description
20 USC 1232h	Protection of pupil rights

Cross References

	Description
3310	Student Discipline
3310-P(1)	Student Discipline - Student Drivers
3310-P(2)	Student Discipline - Applications of Sanctions
3410	Student Health
3410-P(1)	Student Health - School Nurses
3431	Emergency Treatment
3431-P(1)	Emergency Treatment - Emergency Medical Treatment

Policy 3310: Student Discipline

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the "Possession of Weapons other than Firearms" section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document

used or intended to be used in connection with the operation of a school.

- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

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

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

Disciplinary Measures

- Disciplinary measures include but are not limited to:
- Expulsion
- Suspension
- Detention, including Saturday school
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

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

Montana Code Annotated References

Description

16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-3-324	Powers and duties
20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

Montana Code Annotated References

20-5-202

20-7-118

20-9-205

40-6-701

45-5-624

45-5-637

45-8-213

45-8-361

Description

Suspension and expulsion

Offsite Provision of Educational Services

Self-defense in schools

Interference with fundamental parental rights restricted

Possession of intoxicating substance

Possession of tobacco products

Privacy in communications

Possession of weapon in a school building

Administrative Rules of Montana References

10.16.3346

Description

Aversive Treatment Procedures

United States Code References

20 U.S.C. § 1232g, et seq.

20 USC 1232h

29 USC 701, et seq

Description

Family Education Rights and Privacy Act

Protection of pupil rights

Section 504 of the Rehabilitation Act

Cross References

3225

3225-P(1)

3226

3300

3305

3551

3630

8225

Description[Sexual Harassment of Students](#)[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)[Bullying](#)[Suspension and Expulsion](#)[Seclusion and Restraint](#)[Student Drug Testing](#)[Cell Phone and Other Electronic Devices](#)[Tobacco Free Policy](#)

Procedure 3310-P(1): Student Discipline - Student Drivers

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The Board of Trustees is committed to contributing to a safe transport of students to the school site.

Browning High School students may drive their own vehicle or family vehicles to building school sites. Student drivers are to be fully licensed and their vehicles insured.

Upon District procurement of decals, parking on school property shall require vehicle identification decals. All vehicles must be insured and the driver licensed in order to obtain a parking decal.

Vehicles on school property are subject to search if school officials determine that there is reasonable suspicion regarding the existence of possible contraband in the vehicle.

Montana Code Annotated References

Montana Code Annotated References	Description
16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-3-324	Powers and duties
20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
20-9-205	Self-defense in schools
40-6-701	Interference with fundamental parental rights restricted
45-5-624	Possession of intoxicating substance
45-5-637	Possession of tobacco products
45-8-213	Privacy in communications
45-8-361	Possession of weapon in a school building

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.16.3346	Aversive Treatment Procedures

United States Code References

United States Code References	Description
20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
20 USC 1232h	Protection of pupil rights
29 USC 701, et seq	Section 504 of the Rehabilitation Act

Cross References

Cross References	Description
3225	Sexual Harassment of Students
3225-P(1)	Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students
3226	Bullying
3300	Suspension and Expulsion
3305	Seclusion and Restraint
3551	Student Drug Testing
3630	Cell Phone and Other Electronic Devices

Cross References

8225

Description

[Tobacco Free Policy](#)

PENDING

Procedure 3310-P(2): Student Discipline - Applications of Sanctions

Status: ADOPTED

Original Adopted Date: 06/24/2015 | **Last Revised Date:** 02/24/2021 | **Last Reviewed Date:** 02/24/2021

Applications of Sanctions

Discipline set forth by this policy will be inclusive for grades 4 through 12. Tobacco violation will be considered separately from drug and alcohol (see below).

Student use or possession of alcohol or drugs of any kind, including marijuana, is a violation of Montana State Law. For on or off campus violations in regard to use of alcohol and drugs 1) including all illegal drugs, such as marijuana, as well as prescription drugs that have not been prescribed by a physician for that student and 2) tobacco products, including smokeless tobacco and nicotine devices such as electronic cigarettes or a positive drug test would be treated separately for in-season athletes, BHS Activities that have the ability to earn a letter, and other school sponsored activities as listed in the BHS Activities Handbook; Browning School District #9 will apply the following sanctions:

First Offense: Student is placed on activities term suspension of 15 contact days for all student activities. A contact day is defined as a day when a practice or event is held or a day when school is in session. Student will be required to participate in and complete a district approved intervention program.

Second Offense: Immediate removal from all activities for the remainder of the season. Application for reinstatement will be received by the Activities Director and forwarded to the Superintendent for possible action by the Board of Trustees.

For both, first and second offence, these are dealt with administratively pending a review by the Board of Trustees to determine that the pupil was involved in the incident or infraction as per MCA 20-5-201.

During periods of suspension, a student will be allowed to attend and participate in practice sessions. During the suspension period the student will not be allowed to wear his/her school uniform, be present in the locker rooms, or travel with the team for home or away competitions. The student remains ineligible until they are participating in Healing to Wellness Program for prevention and intervention.

If a student activity participant is the subject of (dependent upon policy 3525) violations of either policy 3525 or 3200 during any given school year, he or she will be suspended from participation in extra/co-curricular activities for the remainder of that school year.

Tobacco

First Offense: Seven (7) calendar day suspension to include at least one competition. If competitions have not begun by the end of the 7th day period, the athlete will be suspended from the first competition that takes place.

Second Offense: Fifteen (15) calendar days suspension.

For each consecutive sport/activity season, athletes violating the tobacco policies will start over in terms of offense and consequence.

Montana Code Annotated References

Description

16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-3-324	Powers and duties
20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
20-9-205	Self-defense in schools

Montana Code Annotated References

40-6-701
45-5-624
45-5-637
45-8-213
45-8-361

Description

Interference with fundamental parental rights restricted
Possession of intoxicating substance
Possession of tobacco products
Privacy in communications
Possession of weapon in a school building

Administrative Rules of Montana References

10.16.3346

Description

Aversive Treatment Procedures

United States Code References

20 U.S.C. § 1232g, et seq.
20 USC 1232h
29 USC 701, et seq

Description

Family Education Rights and Privacy Act
Protection of pupil rights
Section 504 of the Rehabilitation Act

Cross References

3225
3225-P(1)
3226
3300
3305
3551
3630
8225

Description

[Sexual Harassment of Students](#)
[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)
[Bullying](#)
[Suspension and Expulsion](#)
[Seclusion and Restraint](#)
[Student Drug Testing](#)
[Cell Phone and Other Electronic Devices](#)
[Tobacco Free Policy](#)

Policy 3311: Firearms and Weapons

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

Firearms

It is the policy of the School District to comply with the federal Gun Free Schools Act of 1994 and Section 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district.

The District does not allow students to possess firearms on District property or at any setting that is under the control and supervision of the District. In accordance with Section 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the District. The Policy does not govern conduct in a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

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

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

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a clear and timely manner, notify the student if the student is an adult or notify the parent or guardian of a student if the student is a minor that the student may waive the student's privacy interest by requesting that the hearing be held in public and invite other individuals to attend the hearing.

Before expelling a student under this Policy, the Board shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a firearm to school or possessed a firearm at school.

When a student subject to a hearing is found to have not violated this Policy, the student's school record must be expunged of the incident.

The provisions of this policy do not require the Board to expel a student who has brought a firearm to school or possesses a firearm at school if the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

Possession of Weapons other than Firearms

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

No student shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No

person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

Definitions, Exceptions and Referral to Law Enforcement

The District may refer to law enforcement for immediate prosecution any student who possesses, carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. 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 of the policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. "Building" specifically means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

The Board of Trustees 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 section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

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

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

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

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

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

Montana Code Annotated References

20-5-202

Description

Suspension and expulsion

45-8-361

Possession of weapon in a school building

United States Code References

18 USC 921

Description

Definitions

20 USC 7151

Gun Free Schools Act

20 USC 7961

Gun Free Requirements

Title 20, Chapter 33, Subchapter I

Individuals with Disabilities Education Act

Cross References

3300

Description

[Suspension and Expulsion](#)

PENDING

Policy 3410: Student Health

Status: ADOPTED

Original Adopted Date: 08/25/2004 | **Last Reviewed Date:** 08/25/2004

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

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

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

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

1. Administered by the school and scheduled by the school in advance.
2. Not necessary to protect the immediate health and safety of the student or other students.

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

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

Students attending BMS and BHS who participate in extra-curricular athletic activities will be required to have a physical exam yearly prior to starting practice. Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

All parents will be notified of the 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.

Montana Code Annotated References

20-3-324

Description

Powers and duties

40-6-701

Interference with fundamental parental rights restricted

United States Code References

20 USC 1232h

Description

Protection of pupil rights

Cross References

2132

Description

[Student and Family Privacy Rights](#)

3305

[Seclusion and Restraint](#)

Cross References

3431

3431-P(1)

Description

[Emergency Treatment](#)

[Emergency Treatment - Emergency Medical Treatment](#)

PENDING

Procedure 3410-P(1): Student Health - School Nurses

Status: ADOPTED

Original Adopted Date: 04/11/1996 | **Last Reviewed Date:** 04/11/1996

The relationships of students by category of health status to type of school nursing services that shall be provided are described below:

Well Students: Nursing assessment of immunization and tuberculosis status, screening for deviant health findings. This requires referral to community health care providers for diagnosis and resolution, reinforcement of positive self-health management measures, health education for enhancing self-health management.

Students with urgent health problems usually related to illness/injury (e.g. trauma, communicable disease) or concerns over altered health status:

Nursing intervention for stabilization/resolution of urgent health concerns. Students are returned to classroom and/or referred to community providers for further medical follow-up.

Students with chronic health problems usually mainstreamed into regular school populations (e.g. asthma, diabetes). These students may present with occasional acute episodes:

Nursing management of chronic and ongoing health problems is provided in cooperation with parents and community health care providers. It involves education of school personnel and students in appropriate health management measures, development of health management plans, delegation of nursing procedures, training and monitoring of school personnel including the administration of medication.

Students with psychosocial problems (e.g. alcohol/drug use/abuse, evidence of physical/sexual abuse, or other mental/emotional/physical issues).

Crisis intervention and referral to community health care providers for students presenting with mental health/alcohol/drug crisis. Ongoing health counseling provided for non-acute problems or follow-up activities.

Students with medically fragile conditions (e.g. cardiomyopathy requiring transplant, un-stabilized diabetic reaction). These students may receive special education in a contained classroom or may be "mainstreamed" into regular classrooms as a result of an Individual Educational Plan. They may require multidisciplinary/health/education team management. They may present with "routine" problems or acute episodes related to their chronic health issues:

Ongoing, intensified, involved nursing management. Frequently, delegation of nursing procedures to and monitoring of non-nursing personnel. Collaboration with community health care providers and case management and/or coordination of care between parent/educators and health disciplines is assumed by the nurse. The school nurse shall be considered an integral part of the IEP process.

Technology dependent students with multiple health problems are the most fragile students and cannot maintain daily school attendance without some direct intervention from licensed personnel. The National Task Force on Technology Dependent Children defines these students as:

- Having a chronic disability
- Requiring the routine use of a medical device to compensate for the loss of life-sustaining body function
- Requiring daily, ongoing care and/or monitoring by trained personnel

The nurse's role within the school IEP team is to make recommendations regarding the student's health needs at school. The school nurse shall be fully aware of state and federal laws and school district policies which direct student placement. These guidelines include PL 94-142 (now IDEA), and 99-457, 93-156. Additionally, Public Law 94-142 of 1975 which directed free and appropriate public education be provided in the least restrictive environment for all children and the Individuals with Disabilities Education Act of 1990 shall be fully articulated in terms of nursing services. PL 99-457 (1986) which mandated the commitment to the younger child by requiring

special education services for ages one to three and Section 504 of the Vocational Rehabilitation Act (PL 93-516) directing that a pupil cannot be denied entry into the neighborhood school because of specialized physical health care needs must also be fully complied with.

Montana Code Annotated References

20-3-324

Description

Powers and duties

40-6-701

Interference with fundamental parental rights restricted

United States Code References

20 USC 1232h

Description

Protection of pupil rights

Cross References

2132

Description

[Student and Family Privacy Rights](#)

3305

[Seclusion and Restraint](#)

3431

[Emergency Treatment](#)

3431-P(1)

[Emergency Treatment - Emergency Medical Treatment](#)

PENDING

Policy 3413: Student Immunization

Status: ADOPTED

Original Adopted Date: 07/28/2021 | **Last Reviewed Date:** 07/28/2021

The Board requires all students to present their evidence of having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the department. Haemophilus influenza type “b” immunization is required for students under age five (5). Upon initial enrollment, an immunization status form shall be completed by the student’s parent or guardian. The certificate shall be made a part of the student’s permanent record.

A student who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring student ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the student to the school district to which the student transfers.

Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a licensed or certified health care provider in a manner provided by Section 20-5-405, MCA. Exemptions for religious reasons must be filed in a manner provided by Section 20-5-404, MCA. The statement for an exemption shall be maintained as part of the student’s immunization record in accordance with FERPA as specified in Policy 3600P. All students who are enrolled under an exemption and have a disease listed in this Policy, have been exposed to a disease listed in this Policy, or may be exposed to a disease listed in this Policy while attending school may be excluded from the school by the local health officer or the DPHHS until the excluding authority is satisfied that the student no longer risks contracting or transmitting that disease.

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

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

This policy does not apply to or govern vaccinations against COVID-19. The Board does not require immunization against COVID-19 in order to enroll in the District in accordance with Montana law. District officials shall not inquire about the COVID-19 vaccination status of students, employees, or visitors. District officials shall not make decisions regarding access to District services for students, employees, or visitors based upon an individual’s COVID-19 vaccination status. Students enrolled in dual credit courses in accordance with District policies may be subject to distinct immunization requirements of the applicable post-secondary institution.

Montana Code Annotated References

20-3-324

Description

Powers and duties

20-5-403

Immunization

Montana Code Annotated References

20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
20-5-407	Rulemaking
20-5-408	Enforcement
20-5-409	Failure to immunize or claim exemption -- injunction
20-5-410	Civil penalty
40-6-701	Interference with fundamental parental rights restricted
49-2-312	Discrimination Based On Vaccination Status

Cross References

2132	Student and Family Privacy Rights
3110	Entrance, Placement, and Transfer

PENDING

Policy 3415: Management of Sports Related Concussions

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Revised Date:** 06/26/2013 | **Last Reviewed Date:** 06/26/2013

The Browning 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 activities in the District will be identified by the administration.

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

Montana Code Annotated References

20-7-1301, et seq

Description

Protection of youth athletes act

Cross References

3431

Description

[Emergency Treatment](#)

3431-P(1)

[Emergency Treatment - Emergency Medical Treatment](#)

Procedure 3415-P(1): Management of Sports Related Concussions

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Reviewed Date:** 01/11/2011

1. Athletic Director or Administrator in Charge of Athletic Duties:
 - A. *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 MHSAs or the MHSAs Web site. If there are any updated procedures, they will be adopted and used for the upcoming school year.
 - A. *Identified Sports:* Identified sports include all MHSAs-sanctioned activities, including cheer/dance squads, and any other district-sponsored sports or activities as determined by the district.
1. *Coach Training:* All coaches shall undergo training in head injury and concussion management at least once every two years by one of the following means: (1) through viewing the MHSAs sport-specific rules clinic; or (2) through viewing the MHSAs concussion clinic found on the MHSAs Sports Medicine page at www.mhsa.org.
1. *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 MHSAs Sports Medicine page at www.mhsa.org.
1. *Coach's Responsibility:* A student-athlete who is suspected of sustaining a concussion or head injury or other serious injury in a practice or game shall be immediately removed from play.
1. *Return to Play After Concussion or Head Injury:* In accordance with MHSAs Return to Play Rules and Regulations, a student athlete who has been removed from play may not return to play until the athlete is cleared by a licensed health care provider (MD, DO, PAC or NP). The health care provider may be a volunteer.

Montana Code Annotated References

20-7-1301, et seq

Description

Protection of youth athletes act

Cross References

3431

Description

[Emergency Treatment](#)

3431-P(1)

[Emergency Treatment - Emergency Medical Treatment](#)

Policy 3416: Administering Medicines to Students

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Revised Date:** 04/26/2006 | **Last Reviewed Date:** 04/26/2006

Administering Medication to Students

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

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

Administering Medication

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

Emergency Administration of Medication

In the event of an emergency, a school nurse or trained staff member, exempt from the nursing license requirement under § 37-8-103(1)(c), MCA, may administer emergency medication to any student in need thereof on school grounds, in a school building, at a school function, or on a school bus according to a standing order of an authorized physician or a student’s private physician. In the event that emergency medication is administered to a student, the school nurse or staff member shall call emergency responders and notify the student’s parents/guardians. A building administrator or school nurse shall enter any medication to be administered in an emergency on an individual student medication record and retain the documentation.

Assisting Students with Self-Administration of Medication

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

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

written instructions or standing order of an authorized physician or a student’s private physician and with the written consent of a student’s parent or guardian.

A school employee authorized, in writing, assist students with self-administration of medications, may only rely on the following techniques:

- 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/assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.

- Other guidance or restrictions previously provided in writing to the school by a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file.

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

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

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the district or its employees are not liable for injury that results from the student self-administering the medication.
- The student shall have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider shall specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and shall be renewed annually. A student's authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

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

Self-Administration of Other Medication

The district shall permit students who are able to self-administer specific medication to do so provided that all of the following have occurred:

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

Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA. Designation of staff is to be made by a parent, and individual who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student, and school employees are under no obligation to agree to designation. Glucagon is to be provided by the parent or guardian. All documentation shall be kept on file.

Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be

first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Shall examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- Shall develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Shall record on the student's individual medication record the date a medication is delivered and the amount of medication received;
- Shall store medication requiring refrigeration at 36° to 46° F;
- Shall store prescribed medicinal preparations in a securely locked storage compartment; and
- Shall store controlled substances in a separate compartment, secured and locked at all times.
- All non-emergency medication shall be kept in a locked, nonportable container, stored in its original container with the original prescription label. Epinephrine, naloxone, and student emergency medication may be kept in portable containers and transported by the school nurse or other authorized school personnel.
- Food is not allowed to be stored in refrigeration unit with medications.
- Shall notify the building administrator, school district nurse, and parent or guardian of any medication error and document it on the medication administration record.

The district shall permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, shall be stored in their original containers.

The district shall limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The district requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

The district may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse, or other authorized personnel, to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in law.

The district may maintain a stock supply of an opioid antagonist to be administered by a school nurse, or other authorized personnel, to any student or nonstudent as needed for an actual or perceived opioid overdose. A school that intends to obtain an order for emergency use of an opioid antagonist in a school setting or at related activities shall adhere to the requirements in law.

Disposal of Medication, Medical Equipment, Personal Protective Equipment

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

Medical sharps shall be disposed of in an approved sharps container. Building administrators should contact the school nurse or designated employee when such a container is needed. Sharps containers are to be kept in a secure location in the school building. Disposal of sharps container, medical equipment, and personal protective equipment is the responsibility of the school nurse or designated employee in accordance with the Montana Infectious Waste Management Act and the manufacture guidelines specific to the container or equipment.

Montana Code Annotated References

20-5-412

Description

Definition – parent-designated adult administration of glucagons

Montana Code Annotated References

20-5-420

20-5-421

20-5-426

37-8-103(1)(c)

40-6-701

75-10-1001, et seq

Description

Self-administration or possession of asthma, allergy, anaphylaxis medication

Emergency use of epinephrine in school setting

Emergency use of an opioid antagonist in

Exemptions - limitations on authority

Interference with fundamental parental rights restricted

Infectious Waste Management Act

Administrative Rules of Montana References

24.159.1601, et seq

37.111.812

Description

Delegation of Nurse Duties

Safety Requirements

Cross References

3431

3431-P(1)

Description[Emergency Treatment](#)[Emergency Treatment - Emergency Medical Treatment](#)

PENDING

Form 3416-F(1): Administering Medicines to Students - Medications Permission Form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

**BROWNING PUBLIC SCHOOLS
HEALTH PROGRAM
Non Prescription Medications**

**K.W. Bergan School: 338-2756. Vina Chattin School: 338-2758 Browning Elementary: 338-2740
Napi School: 338-2735 Browning Middle School: 338-2725 Browning High School: 338-2745**

Dear Parents/Guardians,
Browning Public Schools requires your consent to administer over the counter medications described below.

I give permission for the school Nurse and/or designee to administer the below stated medications to:

Student Name and Birthdate

My child is not allergic ____ is allergic to: _____

Parents /Guardian Signature

Date

-
- Use Physoderm soap or Hydrogen Peroxide for cleaning cuts or wounds.
 - Apply Antibiotic ointment for minor abrasions [Bacitracin, First Aid].
 - Apply Hydrocortisone cream for minor skin irritation and rash.
 - TUMS as directed for acid indigestion, heartburn and upset stomach.
 - Cough drops or throat lozenges to be given for minor sore throat.
 - Tylenol [Acetaminophen] tablet/liquid: dosage determined by weight to be administered no more than every four hours under the direction of the school nurse.
 - Ibuprofen [Advil, Motrin] tablet/liquid: dosage determined by weight to be administered no more than once a day under the direction of the School Nurse.
 - Benadryl 50mg liquid to be given for severe allergic reaction only under the direction of the School Nurse*
 - Epinephrine 0.3cc on hand for severe allergic reactions only to be given by the School Nurse.*

*Browning Public School District will notify Parents/Guardians before Benadryl and/or Epinephrine needs to be given if at all possible.

Dr. Tom Herr, Pediatrician
Blackfeet Community Hospital
Browning, Montana

Effective 2014-2015 School Year

Montana Code Annotated References

20-5-412	Definition – parent-designated adult administration of glucagons
20-5-420	Self-administration or possession of asthma, allergy, anaphylaxis medication
20-5-421	Emergency use of epinephrine in school setting
20-5-426	Emergency use of an opioid antagonist in
37-8-103(1)(c)	Exemptions – limitations on authority
40-6-701	Interference with fundamental parental rights restricted
75-10-1001, et seq	Infectious Waste Management Act

Administrative Rules of Montana References

24.159.1601, et seq	Delegation of Nurse Duties
37.111.812	Safety Requirements

Cross References

3431	Emergency Treatment
3431-P(1)	Emergency Treatment - Emergency Medical Treatment

PENDING

Procedure 3416-P(1): Administering Medicines to Students - Administration of Medication

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Revised Date:** 07/25/2019 | **Last Reviewed Date:** 07/25/2019

Administration of Prescription Medicines to Students

Only school personnel who have been delegated by the school nurse in consultation with the school principal may administer medication.

When a request for medication administration is made by a parent, they must be informed that State Law requires a written physician order.

Once the Physician order is received the school nurse must review the order with the parent prior to administration.

The physician order should be attached to the student's daily medical treatment record which in turn must be kept with all medication in the office. The school nurse will review these orders during the regular school visits. All permanent health records must be kept in the student's cumulative file regardless of grade level.

Medication must be received in the original pharmacy container with a label indicating the name and telephone number of the pharmacy, the student's name, the physician name, the name of the drug, the time/indication for administration and the dosage to be given. Over the counter medication must also be in the original pharmacy container. Labeling requirements are the same as those for prescription drugs. No more than a sixty (60) school day supply of any medication intended for student use may be stored at school.

Medication must be given as close as possible to the time ordered. The outside limit of acceptability is one hour (unless otherwise directed by the attending physician) before or after the specified time.

When a student presents for medication, it is extremely important that s/he be correctly identified. This should be accomplished by requesting that the student tell the delegatee his/her name.

Anyone administering medication is required to wash their hands prior to actual administration. However, medication must not be handled directly. Dispense the medication from the bottle into its cap and then into a pill cup or into the student's hand.

The medication label must be read 3 times before giving the medicine to the student: 1) when removing it from the locked container; 2) before pouring the medicine out of the bottle; 3) after pouring the medicine out of the bottle.

0. The nurse or delegatee must observe the student actually ingesting/inhaling the medication.
1. After the medication has been administered, record the procedure on the student's medication/treatment log sheet and sign.
2. If an error in medicating has been made notify the building administrator, the parent and the school nurse immediately. An incident report must be filed with the building administrator as soon as practical.

Administration of Non-Prescription Medicines to Students

1. Over-the-counter, or non-prescription medication does not require a physician signature.
2. A *Browning Public Schools Health Program Non-Prescription Medication Form* must be completed yearly by the parent/legal guardian
3. The parent can bring in the non-prescription medication in the original container clearly marked with the child's name.
4. It is recommended that the initial dose be administered at home or in the hospital in case of adverse reactions (for new prescriptions)
5. School personnel reserve the right to review and deny requests for medication being taken during school

hours.

6. All medication must be stored in designated area that is to remain locked when not in use.
7. Students must take medication in the presence of the School Nurse or designated school personnel.
8. Administration of medication will be documented in the Health Log.
9. All medication, except those approved for keeping by students for self-medication, will be kept in a designated locked container, cabinet or closet used exclusively for the storage of medication.

The school nurse or in her absence, the duly appointed delegatee (who has been trained to administer medication) will be responsible for the key(s) to the locked cabinet(s). Access to all stored medication will be limited to persons authorized to administer medications. Each school will maintain a current list of those persons authorized to administer medications.

Administration of Glucagons

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

Disposal of Medication

All used syringes and other similar materials will be properly disposed in an appropriate biohazard container maintained in the nurses' office. Biohazard containers will be disposed of in accordance with all applicable health regulations.

School personnel must either return to parent or destroy (with permission of parent or guardian) any unused, discontinued or obsolete medication. Medicine which is not repossessed by the parent or guardian within a five (5) day period after the student's last day of school or on the last day of the school year will be destroyed by the school nurse in the presence of a witness.

Montana Code Annotated References

	Description
20-5-412	Definition – parent-designated adult administration of glucagons
20-5-420	Self-administration or possession of asthma, allergy, anaphylaxis medication
20-5-421	Emergency use of epinephrine in school setting
20-5-426	Emergency use of an opioid antagonist in
37-8-103(1)(c)	Exemptions – limitations on authority
40-6-701	Interference with fundamental parental rights restricted
75-10-1001, et seq	Infectious Waste Management Act

Administrative Rules of Montana References

	Description
24.159.1601, et seq	Delegation of Nurse Duties
37.111.812	Safety Requirements

Cross References

	Description
3431	Emergency Treatment
3431-P(1)	Emergency Treatment - Emergency Medical Treatment

Policy 3417: Communicable Diseases

Status: ADOPTED

Original Adopted Date: 08/25/2004 | **Last Reviewed Date:** 08/25/2004

Communicable Diseases

Note: For purposes of this policy, the term “communicable disease” refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.

In all proceedings related to this policy, the district shall respect a student’s right to privacy. All applicable district policies and handbook provision governing confidentiality of student medical information remain in full effect.

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

The district shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use cloth towels are prohibited. Sanitary napkin disposal shall be provided for girls of age ten or older and in teachers’ toilet rooms and nurses’ toilet rooms. The district shall provide either sanitary napkin dispensers in the girls’, nurses’, and teachers’ toilet rooms or some other readily available on-site access to sanitary napkins.

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

The district shall manage common communicable diseases in accordance with DPHHS guidelines and communicable diseases control rules. If a student develops symptoms of any reportable communicable or infectious illness as defined while at school, the responsible school officials shall do the following:

- (a) isolate the student immediately from other students or staff; and
- (b) inform the parent or guardian as soon as possible about the illness and request him or her to pick up the student.; and
- (c) consult with a physician, other qualified medical professional, or the local county health authority to determine if report the case should be reported to the local health officer.

Students who express feelings of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person

designated on a student’s emergency medical authorization form has been notified. The district may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be provided during the period of absence in accordance with Policy 2050. The district reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to onsite instruction.

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

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation shall be informed of the specific nature of a condition, if it is determined that such individuals need

to know this information.

The district may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

Healthy Hand Hygiene Behavior

All students, staff, and others present in the any school building shall engage in hand hygiene at the following times, which include but are not limited to:

- (a) Arrival to the facility and after breaks
- (b) Before and after preparing, eating, or handling food or drinks
- (c) Before and after administering medication or screening temperature
- (d) After coming in contact with bodily fluid
- (e) After recess
- (f) After handling garbage
- (g) After assisting students with handwashing
- (h) After use of the restroom

Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and water are not readily available.

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Administrative Rules of Montana References

	Description
37.111.825	Health Supervision and Maintenance
37.114.101, et seq.	Communicable Disease Control

Cross References

	Description
3431	Emergency Treatment
3431-P(1)	Emergency Treatment - Emergency Medical Treatment
8303	Cleaning and Disinfecting

Policy 3431: Emergency Treatment

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Revised Date:** 07/27/2004 | **Last Reviewed Date:** 07/27/2004

The Board recognizes that schools are responsible for providing first aid or emergency treatment in case of sudden illness or injury to a student while under the care and supervision of the school, but that further medical attention is the responsibility of the parent or guardians. Additionally, each parent or guardian shall be requested to provide an emergency telephone number where the parent or designee of the parent can be reached.

When a student is injured, staff shall provide immediate care and attention until relieved by a nurse, doctor or other qualified care giver. The principal or designated staff should immediately contact the parent so that the parent can arrange for care or treatment of the injured.

In the event that the parent cannot be reached and in the judgment of the principal or person in charge and immediate medical attention is required, the injured student may be taken directly to the hospital and treated by the physician on call. When the parent is located, he/she may elect to continue the treatment or make other arrangements.

A person with a currently valid American Red Cross Standard First Aid Card shall be present for all field trips, athletic and other off-campus events.

The superintendent shall establish procedures to be followed in any accident and for providing first aid or emergency treatment to a student who is ill or injured.

Montana Code Annotated References

20-3-324

Description

Powers and duties

40-6-701

Interference with fundamental parental rights restricted

Administrative Rules of Montana References

37.111.825

Description

Health Supervision and Maintenance

United States Code References

20 USC 1232h

Description

Protection of pupil rights

Cross References

3305

Description

[Seclusion and Restraint](#)

3410

[Student Health](#)

3410-P(1)

[Student Health - School Nurses](#)

3415

[Management of Sports Related Concussions](#)

3415-P(1)

[Management of Sports Related Concussions](#)

3416

[Administering Medicines to Students](#)

3416-F(1)

[Administering Medicines to Students - Medications Permission Form](#)

3416-P(1)

[Administering Medicines to Students - Administration of Medication](#)

3417

[Communicable Diseases](#)

8132

[Activity Trips](#)

Procedure 3431-P(1): Emergency Treatment - Emergency Medical Treatment

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Revised Date:** 07/27/2004 | **Last Reviewed Date:** 07/27/2004

First Aid and Emergency Care

- Ambulance 911 Dental 338-6180
- Emergency Room 338-6164 Eye Clinic 338-6140
- IHS Hospital 338-6155 MT Poison Control (800) 525-5042
- Clinic 338-6200 or 6201 Police 338-4000

Categories of Medical Emergencies

Emergent or Life-Threatening Emergencies (examples):

Airway Obstruction Anaphylaxis Drowning
Bleeding, Massive External Breathing Failure Cardiac Arrest
Spinal Cord Injury Eye Injury-Contact with Corrosives

RESPONSE: These emergencies require immediate intervention; start care; call 911; through the beeper contract nurse; notify parents; file accident report and record data on Student Confidential Health Card.

Urgent Emergencies (examples):

Asthma-Severe Acute Attack Bee Stings-General Hives but no Anaphylaxis
Bleeding-Internal Burns to Eyes
Burns-Severe Extensive Collapsed Lung
Drug Overdose and Reactions Head Injury-with Associated Signs
Heat Stroke Hypothermia
Insulin Reaction Penetrating or Crushing Injuries to Chest or Abdomen
Penetrating Eye Injury Poisoning
Psychiatric Emergency Severe Chest Pain (heart attack)
Seizure Lasting over 5-Minutes Shock
Unconsciousness of More than One-Minute

RESPONSE: These emergencies require immediate intervention; start care; call 911; through the beeper contract nurse; notify parents; file accident report and record data on Student Confidential Health Card.

Health Conditions Requiring Medical Care within One Hour (examples):

Abdominal Pain-Severe
Animal Bites
Burns-Second Degree of Face or Area Larger than 2"x2"
Corneal Abrasion; Dislocated Contact Lens

Dislocation of Joint or Fracture (other than spine)

Eye Injury-Non-penetrating (blunt)

Fever 103° - 104°

Head Injury – No Loss of Consciousness

Laceration, Large – Without Severe Bleeding

Seizure in Person not known to have a Seizure Disorder

Tooth – Dental Damage, Fractured or Dislodged Permanent Tooth

RESPONSE: *Medical care to be obtained within 1 hour.* Notify nurse; give first aid; nursing personnel will notify parents and make medical referral or assign appropriate personnel to do so; file accident report and/or record data on Student confidential Health Card.

f. **Non-Urgent Health Conditions** (examples):

Abdominal Pain – Non-Severe Hysterical Reaction

Asthma – Mild Injury Interfering with Walking

Rash of Unknown Origin Seizure – Child Known to have Disorder

Fainting (Investigate Cause) Sprain - Probable

Communicable Disease – Including Chicken Pox, Hepatitis A, Impetigo, Head Lice

RESPONSE: *Medical/Parental care needed but not immediately.* Call nurse on phone (do not use beeper number); nurse will notify parents with follow-up information; file accident report and/or record data on Student Confidential Health Card.

g. **Minor Injuries & Health Problems** (examples):

Abdominal Pain – Mild Abrasions

Burns – Redness Only, Small Bruises – Small

Common Cold Cuts – Small

Toothache Headache – Without Fever or Other Symptoms

Eye Foreign Body Readily Removable Nosebleed – Able to Stop with Pressure

Nausea and/or Vomiting – Single Episode Seizure – Child Known to have Disorder

RESPONSE: Professional help rarely needed; provide first-aid. *Accident Report not required unless unusual circumstances are present.* Record on Student Health Incident Log.

Transportation of Students for Categories I & II

Call 911: Arrangement shall be made to transfer patient immediately to nearest emergency medical facility. *No time* should be wasted making contacts with family or student's physician. (These contacts shall be made at the earliest opportunity without compromising patient care).

RARE: In cases of life-threatening emergencies when no other transportation is available, two people may transport the student. The school nurse and preferably the designated first responder or other school official will accompany the student. In cases where a nurse is unavailable, first responder or other school official may accompany the student.

Transportation of Category III – Students

Parents or persons designated by parents are to be called to come and take students to a medical facility or to their

own home.

If parental transportation is unavailable, the Home School Coordinator, nurse or designated first responder will accompany the student when transportation is required to hospital, medical facility without parent or to the student's home. The school nurse or other school official **may not** transport an ill or injured student in their personal vehicle (except in life-threatening emergencies). The school nurse or other school staff may accompany the student in a police car, ambulance or school vehicle to give comfort, support and assistance.

Mandatory Information/Nursing Services:

For injuries or illnesses in Categories 3, 4 and 5 you must provide the following information when calling the nurse:

Who: Name of Student

What: Nature of Problem and what is Occurring now

When: Time the Injury Occurred

Where: Current Location of Student now

How: Mechanism of injury

Montana Code Annotated References

20-3-324

Description

Powers and duties

40-6-701

Interference with fundamental parental rights restricted

Administrative Rules of Montana References

37.111.825

Description

Health Supervision and Maintenance

United States Code References

20 USC 1232h

Description

Protection of pupil rights

Cross References

3305

Description

[Seclusion and Restraint](#)

3410

[Student Health](#)

3410-P(1)

[Student Health - School Nurses](#)

3415

[Management of Sports Related Concussions](#)

3415-P(1)

[Management of Sports Related Concussions](#)

3416

[Administering Medicines to Students](#)

3416-F(1)

[Administering Medicines to Students - Medications Permission Form](#)

3416-P(1)

[Administering Medicines to Students - Administration of Medication](#)

3417

[Communicable Diseases](#)

8132

[Activity Trips](#)

Policy 3440: Removal of Student During School Day

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Reviewed Date:** 04/13/2000

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school buildings, or school function during school hours except by a person duly authorized with the District's procedure. Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal.

The Superintendent is directed to establish procedures for the removal of a student during school hours and these procedures are to be identified in student handbooks.

PENDING

Policy 3510: School-Sponsored Activities

Status: ADOPTED

Original Adopted Date: 02/13/2001 | **Last Reviewed Date:** 02/13/2001

Scope

This policy applies to all school-sponsored student activities of the school district. Student organizations or groups, which are conducted without the expressed written consent of the Board of Trustees, as provided herein, are not permitted.

Definitions

1. "Student activities" are those activities conducted outside the instructional curricula involving students of Browning Public Schools, which are sponsored by and under the direct supervision and control of Browning Public Schools. Volunteer groups, which may or may not include students, are not included. Student activities fall into three types: social events or functions, student organizations or clubs, and extracurricular activities.
2. "Principal" is (a) a school principal or (b) an administrator or supervising teacher who is responsible for the education and development of students within his/her area of responsibility.

Social Events or Functions

1. These activities, such as dances, contests, etc., must be approved in advance by the principal of the school sponsoring the event or function.
2. Such activities will be conducted in school facilities unless the Superintendent authorizes another location.
3. The principal shall determine that such activities will be adequately and effectively chaperoned at all times and will include security personnel as needed.
4. Attendance at an event or function is limited to the class, group, or building sponsoring it. In that regard, the host principal must invite or approve, in advance, attendance by others including students, parents, and the public or they will be prohibited from attending.

Student Organizations or Clubs

The Board recognizes that student clubs are a helpful resource for schools and supports their formation. Student clubs must complete an application process. The Superintendent or designee is delegated the authority to approve or deny club applications.

Curricular Student Clubs

The Board of Trustees authorize the administration to approve and recognize curricular student clubs or organizations in a manner consistent with this policy and administrative procedure. Curricular Student clubs are those approved student clubs that directly relate to the body of courses offered by the school. Curricular student clubs that are recognized by the district are permitted to use District facilities, use the district's name, a District school's name, or a District school's team name or any logo attributable to the district, and raise and deposit funds with the district.

In order for the administration to approve and recognize a curricular student club the group must submit an application to the building administrator containing the following:

- 1: The organization's name and purpose.
- 2: The portion of the curriculum that forms the basis of the club. The portion of the curriculum that forms the basis of the club or the course offered at the school enhanced by the club's functions. This step is required for consideration as a curricular club. Applications that do not satisfy this step may be permitted to meet at the school as a non-curricular student group.
- 3: The staff employee designated to serve as the group's advisor.
- 4: The rules and procedures under which it operates.

5. A statement that the membership will adhere to applicable Board policies and administrative procedures.

The administration will report to the Board when new curricular student clubs have been approved and recognized.

Upon approval of a new curricular student club, the administration will notify the district clerk so the group may have any funds raised for its operations so designated in accordance with the district's financial practices.

Approved curricular student clubs will appear in the student handbook and other appropriate district publications. Advisors of new student clubs may be eligible for a stipend in accordance with applicable collective bargaining agreement provisions and available district resources. Approved curricular student clubs may also have limited access as designated by the administration to distribute messages through official communications of the district (e.g. intercom announcements, district newsletters, group emails, etc.).

Non-Curricular Student Groups

Student-led and initiated groups of similar interests that do not meet the requirements to be an approved curricular student club as outlined in this policy shall be designated as noncurricular student groups. Noncurricular student groups include any student group that does not directly relate to the body of courses offered by the district but has a regular meeting schedule and established operational structure. District employees that are present at meetings in a supervisory capacity are not eligible for a stipend. Student meetings must be supervised by an adult. Employees or agents of the district that are present at student group meetings must only serve in a supervisory capacity.

The district approves a limited open forum, within the meaning of that term as defined U.S. Code §4071 , for non-curricular student groups to meet on school premises during non-instructional time. Noncurricular student groups wishing to conduct a meeting within this limited forum are subject to the following fair opportunity criteria, which shall be uniformly administered consistent with 20 U.S. Code § 4071:

1. All such meetings must be voluntary and student-initiated;
2. There shall be no sponsorship of the meeting by the district or its agents or employees;
3. Employees or agents of the district that are present at religious meetings must be only in a non-participatory capacity;
4. All meetings must not materially and substantially interfere with the orderly conduct of educational activities within the district; and
5. Non-school persons may not direct, conduct, control, or regularly attend activities of the non-curricular student groups.

Meeting is defined as a gathering of a group of students for the purposes of discussing group beliefs or engaging in group operations. An event that does not meet this definition will be required to comply with the Community Use of District Facilities Policy and Procedure.

Fundraising

Noncurricular student groups may post notice of gatherings in accordance with Policy 3222. Noncurricular student groups may be authorized by the school administration to have the name of the school to appear as part of their group's name. A logo attributable to the school or District, the District's name, or the school's team name or mascot may not be used by a noncurricular group. The permission to post notice of gatherings, or use the school's name, does not constitute sponsorship of the group by the district.

Informal Gatherings

Students are permitted to informally gather at the school in accordance with Policy 3233. Informal gatherings of students are not permitted to use the district's name, a District school's name, or a District school's team name or mascot, or any logo attributable to the district, and raise and deposit funds with the district. Informal student gatherings may not post notices or other materials in accordance with Policy 3222 but may request to post items in accordance with Policy 4331.

Financial Operations

All funds raised by recognized curricular student clubs are subject to applicable District policies regarding financial

management. All funds raised by recognized curricular student clubs that are donated to the district become public funds when placed in a District account. All public funds must be monitored in accordance with state law. Deposits must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy.

Funds spent by the district will be done in accordance with District purchase order policy and spending limits regardless of the source of the donation. All expenditures should be preapproved to ensure equity and auditing standards are met.

The administration is authorized to develop procedures to implement this policy.

Extracurricular Activities

- a. Academic and behavior eligibility rules are established by MHSA rules and District policy.
- b. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
- c. In establishing an interscholastic program, the Board directs the administration to:
 - i. Open all sports to all students enrolled in the district, with an equal opportunity for participation.
 - ii. Open all sports to residents of the school district and who is at least 5 years of age and not more than 19 on or before September 10 of the year in which participation in extracurricular activities is sought by such child in accordance with the provisions of this policy.
 - iii. Recommend sports activities based on interest inventories completed by the students.

Participation in District Extracurricular Activities by Unenrolled Children

- a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home school meeting the requirements of section 20-5-109:
 - i. Is eligible to seek to participate in any extracurricular activity of the district that is offered to pupils of the district who are of the same age.
 - ii. Is subject to the same standards for participation as those required of full-time pupils enrolled in the school and the same rules of any interscholastic organization of which the school of participation is a member as specified in Section 3.a. and 3.b. of this policy and any related student or activity handbook provisions.
 - iii. Will be assessed for purposes of placement, team formation and cuts using the same criteria as used for full-time pupils enrolled in the district.
- b. In cases where there is more than one school serving the same age group within District boundaries, a child under Section 4 of this policy shall be subject to the same school zone rules applicable to full-time pupils of the district. Participation for one school for one sport and another school for another sport is prohibited.
- c. The academic eligibility for extracurricular participation for a student attending a nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the head administrator of the nonpublic school. No further verification shall be required.
- d. The academic eligibility for extracurricular participation for a student attending a home school as specified under Section 4.a.ii shall be attested in writing by the educator providing the student instruction with verification by the school principal for the school of participation. The verification may not include any form of student assessment.
- e. Students participating in extracurricular activities under Section 4 of this policy may be considered part-time enrollees for purposes of ANB in accordance with Policy 3150, 3121, and 3121P.

Designation of Athletic Teams

Unless otherwise prohibited by Policy 3210 or federal law, District sponsored athletic teams or sports designated for females, women, or girls may not be open to students who are biologically of the male sex. District sponsored athletic teams or events may be designated as one of the following based on biological sex in accordance with applicable MHSA rules, this Policy, federal law, Policy 3210, or the provisions of Section 6 of Chapter 405 (2021):

- a. males, men, or boys;
- b. females, women, or girls; or
- c. coed or mixed.

This section of this Policy is void 21 days after the date the United States Secretary of Education files a written report with the proper committees of the United States House of Representatives and the United States Senate as required by 34 CFR 100.8(c) due to the enforcement of Chapter 405 (2021).

Montana Code Annotated References

	Description
20-5-112	Participation in extracurricular activities
20-9-311	Calculation of Average Number Belonging
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education

Code of Federal Regulations References

	Description
34 CFR 100.8(c)	Procedure for Effecting Compliance

Cross References

	Description
3150	Part-Time Enrollment
3530	Student Fund-Raising Activities
3530-P(1)	Student Fund-Raising Activities - Student Funds
3530-F(1)	Student Fund-Raising Activities - Form
3550	Student Clubs
3550-NF(1)	Student Clubs - Student Club or Group form
3551	Student Drug Testing

Procedure 3510-P(1): School-Sponsored Activities - Academic Eligibility

Status: ADOPTED

Original Adopted Date: 11/25/1997 | **Last Reviewed Date:** 08/08/2023

MONTANA HIGH SCHOOL ASSOCIATION POLICIES

All students participating in extra-curricular activities at Browning High School must meet the academic eligibility and enrollment requirements in Browning Public Schools in addition to the rules and regulations stated in the Montana High School Association (MHSA) Handbook.

MHSA statements are as follows: MHSA Handbook Article 2, Section (2) Eligibility.

“To be eligible to participate in an Association Contest, a student must be regularly enrolled in school, must be in regular attendance from the enrollment date, and received a passing grade in at least twenty periods of prepared class work or its equivalent in the last previous semester at the school where the student participates...”

Interpretation of the above Article is that students will be enrolled in at least two credits of classes while participating in Extra Curricular activities at Browning High School.

MHSA Handbook Article 2, Section (2), Academic Eligibility

“To be eligible to participate in an Association Contest, a student must have received a passing grade in at least twenty periods of prepared work per week or its equivalent during the last preceding semester in which he/she was in attendance. If a student is assigned an “incomplete” or a “condition” in a subject, he/she has not received a passing grade in this subject. The record at the end of the semester is final and scholastic deficiencies may not be “made up” in any way. This section shall not apply to students committed to Pine Hills School or to students assigned to MHSA interscholastic activities as part of their Special Education Individual Education Plan (I.E.P.)”

Interpretation of the above Article is that students must earn 2 credits during the semester prior to the sport season in order to participate in a particular sport. Passing four classes worth 1/2 credit per semester will meet this standard. P.E. and Office Aide classes are worth 1/4 credit per semester.

MHSA Handbook Article 2, Section (15), Award Rule

“No award exceeding fifty dollars (\$100.00) in value shall be given per event in any MHSA sanctioned sport or in any MHSA sanctioned interscholastic activity by a member school, by any person or by an organization to a student in recognition of that student's achievement or participation in any interscholastic activity. An event is defined as a sports camp, an invitational tournament/meet, a post season recognition (i.e. sports banquet), or fund raiser or similar function. Cash cannot be awarded.”

Violation of this rule will render the student ineligible in the MHSA sponsored sport or activity for the student received the award.

The Board of Control will follow the same procedure for restoring the eligibility status as provided in the last paragraph of the Amateur Rule, Article II, Section (16) of the Handbook.

POLICY

It is the expectation of Browning School District #9 that all of its students will experience success in all academic and extracurricular endeavors in which they participate. School District #9 also recognizes the positive impact of extra-curricular activities on student mental health and social development. The efforts of all School District #9 employees will be focused on supporting the efforts of its students at achieving excellence in the academic and extracurricular areas.

Browning Public Schools has implemented the following Academic Eligibility Policy for students, grade 6-12 concerning participation in all Extra-curricular club/sport activities as listed in the Browning Activities Handbook. The goal of this policy is to encourage academic excellence and foster long range goal setting by the students of Browning Public Schools. It is important that students and parents or guardians understand that the primary mission of the school is to provide an academic education to its students and the privilege of participation in extra-curricular activities will be based upon achievement in the classroom.

All activities involving out-of-district trips will be covered under this policy. Attendance at concerts, dances, sporting events, etc. sponsored by the school will not be covered under the following policy. For the purposes of this policy, days referred to will be considered to be calendar days.

Bi-weekly feedback will still be given to the student concerning their academic standing.

Browning Public School students, (Grades 6-12), should meet bi-weekly eligibility by having a GPS of 2.0 or better to be eligible to participate in Extracurricular Activities as defined herein. A student whose GPS is lower than a 2.0 but is passing all of their classes is still eligible.

ACTIVITIES ELIGIBILITY

A bi-weekly eligibility list is generated every other Friday at 2 p.m. The first time a student is identified as ineligible they will be allowed to practice and compete, provided, they can show proof of attending tutoring sessions from 3:30 p.m. to 4:30 p.m. on Monday, Tuesday, and Thursday. If a student is identified as ineligible a second consecutive time the student becomes ineligible to compete until they are able to provide an updated grade report which shows that they are eligible by having at least a GPA of 2.0.

After being ineligible for two bi-weekly eligibility checks, the focus will be to help the student maintain the 2.0 GPA weekly, also student will need to report to tutoring on Monday, Tuesday and Thursday from 3:30pm to 4:30pm and provide documentation of attendance in the tutoring program from an adult BHS staff tutor.

CORRECTION PROCEDURE

Any student who believes that they are marked ineligible incorrectly must meet with the teacher and provide evidence to correct the error. The teacher must fill out and sign a note to the coach/sponsor stating the error and its correction. The student must then get approval from the principal who will also sign the note to verify approval. The student must then give the note to the coach who will keep it for the duration of the season for future reference.

Activities included in this policy follow: All activities as defined by MHSAA.

EXTRA-CURRICULAR ACTIVITY PARTICIPATION GUIDELINES

1. For a student to participate in practice or a contest/event, he/she must have been in attendance at school that day, (Monday through Friday) or have an absence excused prior to 4:30 on the day of the activity. If student is absent AP (Absent-Parent called in) the student can still practice with no consequence. If unexcused, student can still practice with consequences from the coach.
2. Students who transfer to Browning Public Schools during a sport season, but prior to the divisional tournament or first playoff game date, will be considered eligible to participate if they are eligible according to MHSAA standards. The grades that transfer in with the student must meet the eligibility criteria of Browning Public Schools. The student must also meet the MHSAA 10-day practice requirement before participating in a contest/event.

Students who are ineligible for a semester according to MHSAA criteria will be allowed to practice with the team while ineligible and compete the first Monday after the new semester begins, provided the student becomes eligible according to MHSAA criteria. The Browning Public Schools eligibility policy will apply to these students. 1997-98 MHSAA Handbook, Article 2, Section (17).

Montana Code Annotated References

	Description
20-5-112	Participation in extracurricular activities
20-9-311	Calculation of Average Number Belonging
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education

Code of Federal Regulations References

	Description
34 CFR 100.8(c)	Procedure for Effecting Compliance

Cross References

3150

3530

3530-P(1)

3530-F(1)

3550

3550-NF(1)

3551

Description[Part-Time Enrollment](#)[Student Fund-Raising Activities](#)[Student Fund-Raising Activities - Student Funds](#)[Student Fund-Raising Activities - Form](#)[Student Clubs](#)[Student Clubs - Student Club or Group form](#)[Student Drug Testing](#)

PENDING

Policy 3520: Student Fees, Fines, and Charges

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Revised Date:** 10/12/2021 | **Last Reviewed Date:** 10/12/2021

Student Fees and Fines

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

Fees

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

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

Fines

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

Withholding and Transferring Records for Unpaid Fines or Fees

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

In the event a student is responsible for the cost of school materials or the loss or damage of school property transfers to another school district in the state and the district has decided to withhold the student's grades, diploma, or transcripts from the student and the student's parent or guardian, the district shall:

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

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

Montana Code Annotated References

20-1-213

20-5-201

20-7-601

20-9-214

Description

Transfer of School Records

Duties and Sanctions

Free textbook

Fees

Cross References

3110

3606

3606-NF(1)

Description[Entrance, Placement, and Transfer](#)[Transfer of Student Records](#)[Transfer of Student Records - Records Certification](#)

PENDING

Policy 3530: Student Fund-Raising Activities

Status: ADOPTED

Original Adopted Date: 04/15/2000 | **Last Revised Date:** 11/30/2016 | **Last Reviewed Date:** 11/30/2016

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited. Therefore, the Board has appropriated sufficient funds to support curricular and co-curricular activities. Superintendent approval for fund raising is required. Building administrators are to apply for fund raising permission with #3533R form within the stated time frame. Fund raising limitations considered by the Superintendent may include limiting each building to no more than one major fund drive per building per year, and scheduling fundraising events by building site so as to limit community impact. Elementary students may fundraise door-to-door with the Superintendent's approval.

Fund Raising

Fund raising shall be related to community causes or special equipment. All monies derived from the activities or formation of any student organization shall be deposited in the appropriate district account.

All equipment, supplies and other materials purchased from funds raised and/or derived from fund raising activities shall be the ownership of the District and co-sponsoring club.

Cross References

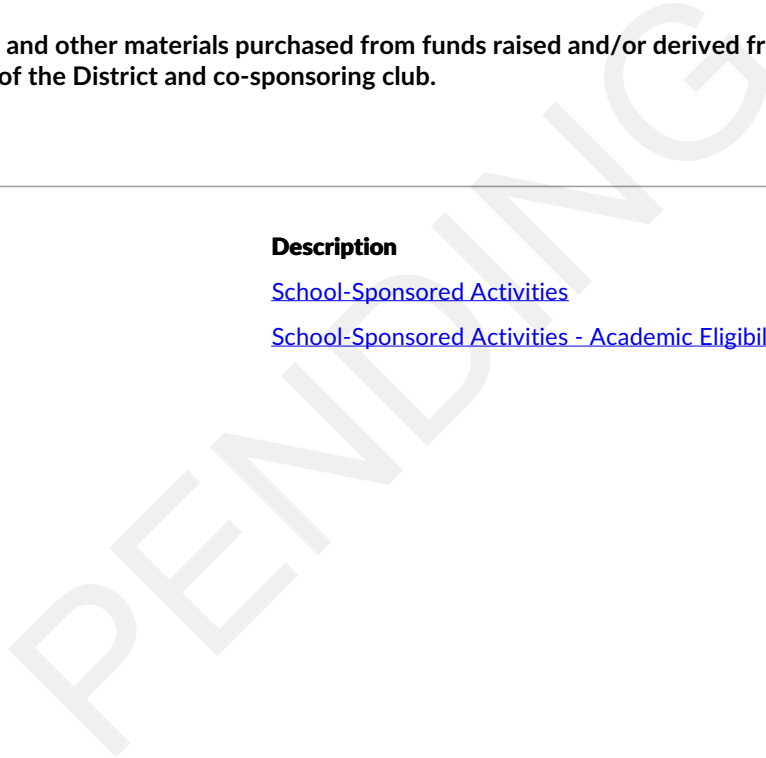
Description

3510

[School-Sponsored Activities](#)

3510-P(1)

[School-Sponsored Activities - Academic Eligibility](#)



Procedure 3530-P(1): Student Fund-Raising Activities - Student Funds

Status: ADOPTED

Original Adopted Date: 08/08/1995 | **Last Revised Date:** 04/13/2000 | **Last Reviewed Date:** 04/13/2000

Student Funds

All monies derived from the activities or formation of any student organization shall be deposited in the Browning School Student Activity Fund. Deposits and expenditures shall be made only in accordance with the procedures outlined the Student and Extra-Curricular Funds Policy and shall require prior Board approval as stipulated by MCA 20-9-504 Extra Curricular fund for pupil functions.

- a. All equipment, supplies and other materials purchased from funds raised and/or derived from fund raising activities shall be the ownership of the District and co-sponsoring club.

Cross References

Description

3510

[School-Sponsored Activities](#)

3510-P(1)

[School-Sponsored Activities - Academic Eligibility](#)

PENDING

Form 3530-F(1): Student Fund-Raising Activities - Form

Status: ADOPTED

Original Adopted Date: 10/26/2017 | **Last Reviewed Date:** 10/26/2017

See PDF on the next page.

PENDING

**Browning Public Schools
Student Fund Raising Request #3533R**



Date: _____

To: Corrina Guardipee-Hall, Superintendent

From: _____

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited. Therefore, the Board has appropriated sufficient funds to support curricular and co-curricular activities. Superintendent approval for fund raising is required. Building administrators are to apply for fund raising permission with the attached form within the stated time frame. Elementary students may fundraise door-to-door with the Superintendent's approval.

Fund raising shall be related to community causes or special equipment. All monies derived from the activities or formation of any student organization shall be deposited in the appropriate district account. All equipment, supplies and other materials purchased from funds raised and/or derived from fund raising activities shall be the ownership of the district and co-sponsoring club.

I request the following fundraising activity be considered for approval:

Grade level: _____

Item(s) to be sold: _____

Time frame for sale: _____

Fund raising purpose: _____

Marketing process and mark up: _____

Attachment(s): _____

Principal's Action: Approved Denied Deferred Initial & Date: _____

Superintendent Action: Approved Denied Deferred Initial & Date: _____

Comments: _____

This request is to be submitted to the superintendent's office 14 days prior to fund raising date.

Amended 10/26/17

Cross References

3510

3510-P(1)

Description[School-Sponsored Activities](#)[School-Sponsored Activities - Academic Eligibility](#)

PENDING

Policy 3550: Student Clubs

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 07/13/2021

Student Clubs

The Board recognizes that student clubs are a helpful resource for schools and supports their formation. Student clubs must complete an application process. The Superintendent or designee is delegated the authority to approve or deny club applications.

Curricular Student Clubs

The Board of Trustees authorize the administration to approve and recognize curricular student clubs or organizations in a manner consistent with this policy and administrative procedure. Curricular Student clubs are those approved student clubs that directly relate to the body of courses offered by the school. Curricular student clubs that are recognized by the district are permitted to use District facilities, use the District name, a District school's name, or a District school's team name or any logo attributable to the District, and raise and deposit funds with the District.

In order for the administration to approve and recognize a curricular student club the group must submit, an application, to the building administrator containing the following:

- The organization's name and purpose.
- The portion of the curriculum that forms the basis of the club. The portion of the curriculum that forms the basis of the club or the course offered at the school enhanced by the club's functions. This step is required for consideration as a curricular club. Applications that do not satisfy this step may be permitted to meet at the school as a non-curricular student group.
- The staff employee designated to serve as the group's advisor.
- The rules and procedures under which it operates.
- A statement that the membership will adhere to applicable Board policies and administrative procedures.

The administration will report to the Board when new curricular student clubs have been approved and recognized.

Upon approval of a new curricular student club, the administration will notify the District clerk so the group may have any funds raised for its operations so designated in accordance with the District's financial practices.

Approved curricular student clubs will appear in the student handbook and other appropriate district publications. Advisors of new student clubs may be eligible for a stipend in accordance with applicable collective bargaining agreement provisions and available district resources. Approved curricular student clubs may also have limited access as designated by the administration to distribute messages through official communications of the district (e.g. intercom announcements, district newsletters, group emails, etc.).

Non-Curricular Student Groups

Student-led and initiated groups of similar interests that do not meet the requirements to be an approved curricular student club as outlined in this policy shall be designated as noncurricular student groups. Noncurricular student groups include any student group that does not directly relate to the body of courses offered by the District but has a regular meeting schedule and established operational structure. District employees that are present at meetings in a supervisory capacity are not eligible for a stipend. Student meetings must be supervised by an adult. Employees or agents of the District that are present at student group meetings must only serve in a supervisory capacity.

The District approves a limited open forum, within the meaning of that term as defined U.S. Code §4071 , for non-curricular student groups to meet on school premises during non-instructional time. Noncurricular student groups wishing to conduct a meeting within this limited forum are subject to the following fair opportunity criteria, which shall be uniformly administered consistent with 20 U.S. Code § 4071:

1. All such meetings must be voluntary and student-initiated;
2. There shall be no sponsorship of the meeting by the District or its agents or employees;

3. Employees or agents of the District that are present at religious meetings must be only in a non-participatory capacity;
4. All meetings must not materially and substantially interfere with the orderly conduct of educational activities within the District; and
5. Non-school persons may not direct, conduct, control, or regularly attend activities of the non-curricular student groups.

Meeting is defined as a gathering of a group of students for the purposes of discussing group beliefs or engaging in group operations. An event that does not meet this definition will be required to comply with the Community Use of District Facilities Policy and Procedure.

Fundraising

Noncurricular student groups may post notice of gatherings in accordance with Policy 3222. Noncurricular student groups may be authorized by the administration to have the name of the school to appear as part of their group's name. A logo attributable to the school or District, the District's name, or the school's team name or mascot may not be used by noncurricular group. The permission to post notice of gatherings or use the school name does not constitute sponsorship of the group by the District.

Informal Gatherings

Students are permitted to informally gather at the school in accordance with Policy 3233. Informal gatherings of students are not permitted to use the District's name, a District school's name, or a District school's team name or mascot, or any logo attributable to the District, and raise and deposit funds with the District. Informal student gatherings may not post notices or other materials in accordance with Policy 3222 but may request to post items in accordance with Policy 4331.

Financial Operations

All funds raised by recognized curricular student clubs are subject to applicable District policies regarding financial management. All funds raised by recognized curricular student clubs that are donated to the District become public funds when placed in a District account. All public funds must be monitored in accordance with state law. Deposits must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy.

Funds spent by the district will be done in accordance with District purchase order policy and spending limits regardless of the source of the donation. All expenditures should be preapproved to ensure equity and auditing standards are met.

The administration is authorized to develop procedures to implement this policy.

Montana Code Annotated References

	Description
20-5-203	Secret Organization Prohibited
20-7-320	CTE Organization Grants
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education
Title 20, chapter 7, part 3	Vocational and Technical Education

United States Code References

	Description
20 USC 4071	Equal Access Act

Cross References

	Description
3150	Part-Time Enrollment
3233	Student Use of Buildings
3510	School-Sponsored Activities

Cross References

3510-P(1)

7260

7425

7425-P(1)

8132

Description

[School-Sponsored Activities - Academic Eligibility](#)

[Endowments, Gifts, and Investments](#)

[Extra-Curricular Funds](#)

[Extra-Curricular Funds - Extracurricular Funds](#)

[Activity Trips](#)

PENDING

Notice Form 3550-NF(1): Student Clubs - Student Club or Group form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

___ This application is for a new club ___ This application is to renew an existing club

This application is to request approval of a student club at ___ School. The application must be fully completed for the application to be considered. Incomplete or incorrectly prepared applications will not be considered. All applications will be considered in accordance with District Policy and District guidelines. Copies of the policy and guidelines can be obtained on the Browning School Website. Approved clubs that violate District Policy, Montana law /Federal law are subject to suspension or termination.

Step 1. General Club Information and Goals and Objectives, or Statement of Purpose

Proposed Club Name: _____

Proposed Club Supervisor Name: _____

Faculty supervisors do not sponsor or participate in non-curricular clubs; however, an adult supervisor must be present.

Step 2. Club's bylaws, charter, or statement of purpose.

Please attach any documents outlining the rules and procedures under which the club will operate. These documents may include but are not limited to bylaws, membership expectations, or a national charter. If the documents are not yet available, drafts may be attached, or a detailed statement of purpose can be provided until documents are available.

Step 3. Basis for Curriculum Related Status (For consideration as a curricular club. Groups that do not satisfy this step may be permitted to operate as a non-curricular student group.)

To be approved as a curricular club, the club must be based upon an aspect of the school's curriculum or the functions of the club must enhance a course offered at the school. Please attach a description of why the proposed club should be designated as a curricular club providing specific facts supporting such status.

Step 4. Time, frequency, location, and notice of anticipated club meetings and functions

Please attach a statement of the proposed use of school facilities, including at the specific areas or facilities of the school for which use is requested and the proposed nature of the use of those facilities. Attach or describe any examples of materials which the club plans to use to tell students about the club's existence or to invite students to join.

Step 5. Submission and Acknowledgement

By signing this application form the students and advisor acknowledge that the club's members and operations will adhere to applicable Board policies and administrative procedures governing curricular clubs.

Requesting Student Date Proposed Supervisor Date

FOR SCHOOL DISTRICT USE ONLY

Application Received By: _____ Date: _____

Approved as Curricular Club By: _____ Date: _____

Operating as Non-Curricular Student Group By: _____ Date: _____

NOTES:

The administration will retain all records related to this application. The administration will report to the requesting students, advisor, and Board of Trustees when new curricular student clubs have been approved.

Montana Code Annotated References

	Description
20-5-203	Secret Organization Prohibited
20-7-320	CTE Organization Grants
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education
Title 20, chapter 7, part 3	Vocational and Technical Education

United States Code References

	Description
20 USC 4071	Equal Access Act

Cross References

	Description
3150	Part-Time Enrollment
3233	Student Use of Buildings
3510	School-Sponsored Activities
3510-P(1)	School-Sponsored Activities - Academic Eligibility
7260	Endowments, Gifts, and Investments
7425	Extra-Curricular Funds
7425-P(1)	Extra-Curricular Funds - Extracurricular Funds
8132	Activity Trips

Policy 3551: Student Drug Testing

Status: ADOPTED

Original Adopted Date: 09/28/1999 | **Last Reviewed Date:** 09/28/1999

POLICY STATEMENT: In order to provide for the health and safety of the individual extracurricular participant or student athlete and other students, as well as provide a legitimate reason for students to say “No” to drug use and provide an opportunity for those taking drugs to receive help in locating programs which can provide assistance, the Browning High School (BHS) will conduct mandatory random drug testing of student extracurricular activity participants and athletes. The program is designed to create a safe, drug free, environment for students.

POLICY APPLICATION: All students who participate in an extra/co-curricular activity (sport or club) that is: (1) sanctioned by the Montana High School Association [MHSA], and/or (2) sponsored by Browning High School [BHS] will be subject to random testing in accordance with this policy. Any student activity participant who tests positive for drugs and/or alcohol under the testing program provided for herein shall be subject to the consequences set forth below.

All student activity participants remain subject to all other school rules and regulations pertaining to drug, alcohol and tobacco use, ¹ including but not limited to, rules and regulations pertaining to the possession, use, sale, etc. of such substances during school or during school- related activities. Any violations of such other rules and regulations may serve as the basis for disciplinary consequences IN ADDITION TO any consequences imposed under this policy, which are limited to consequences with respect to participation in extra/co-curricular activities. ²Prohibited tobacco use includes nicotine devices such as electronic cigarettes.

This policy extends only to random drug and alcohol testing and does not limit or otherwise restrict the ability of the District to conduct such testing on the basis of reasonable suspicion.

DEFINITIONS

Drug: Substances covered under this policy include any alcoholic beverage, narcotic drug, hallucinogenic drug, inhalant, anabolic steroid, barbiturate, amphetamine, marijuana, nicotine (as found in electronic cigarettes) and any other stimulant such as phenylpropanolamine, depressant, intoxicant of any kind, substance purported to be one of the above, any dangerous drug as defined in Section 50-32-101, MCA or any imitation dangerous drug as defined in Section 45-9-111 MCA or any other substance considered illegal or controlled by the Food and Drug Administration. Marijuana is included in this definition and prohibited under this policy because students under the age of 21 may not possess or consume marijuana in accordance with Montana law.

Student Activity Participant: Any student participating in an activity sponsored by BPS and/or sanctioned by MHSA.

Activity Season: "Season" as referred to in this policy shall mean the Fall, Winter and Spring seasons established for MHSA-sanctioned activities and shall begin on the first day of practice for such season and end the day prior to the beginning date of practice for the next successive season. With respect to students participating in non-MHSA-sanctioned activities, the applicable period for any consequences attendant to a positive test result shall be equivalent to the then-current "season" under MHSA standards.

Positive Test: A drug test will be considered “positive” for drugs in accordance with the U.S. Department of Transportation guidelines.

PROCEDURES FOR CONDUCTING DRUG TESTS:

Consent: Prior to participating in an athletic program, the parent or guardian and the student athlete will be required to sign a written consent for drug testing. Any time a student athlete, refuses to be tested, he or she will be subject to suspension from the team or from the sport/club for the remainder of the season. *As Specified in Consequences for Testing Positive for Drugs.*

Compliance Requirements and Consequences: Any student athlete or activity participant who fails to comply with a request for testing, refuses to submit to testing, provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be subject to suspension from the sport/activity or athletic program for the remainder of the season. A refusal to submit to testing shall include, but is not be limited to, the following conduct: (a) a verbal declaration of refusal; (b) a refusal to provide a specimen or breath sample; (c) willful physical absence resulting in the inability to conduct the test (**the individual testee may NOT leave the room, waiting area, or premises while waiting to test**); and (d) engaging in behavior which is obstructive to the testing process.

Medication: Student athletes and sport/club participants who have been or who are taking prescription medication must provide verification (either by a copy of the prescription or by doctor's authorization) prior to being tested. Students who refuse to provide verification and test positive will be subject to the sanctions specified in this policy.

Random Testing: Random testing will be conducted during the various activity seasons throughout the school year. Students will be selected for random testing by a computer-generated process. Selection for testing will be made from one (1) "pool" consisting of the student activity participants for each given "season", as applicable. In order to preserve the integrity of the random test, parents will not be notified prior to a random test. All testing will be conducted by appropriately trained school personnel or by an independent testing agent selected by BPS.

CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS

If a student tests positive for drugs/alcohol, as defined in the drug/alcohol policy, the following action will be taken:

Procedures

1. An initial positive test will automatically require a second confirmation test of the same sample to confirm the initial positive result. If the second test of the same sample is positive, the student will not be allowed to retest to dispute the results of the first and second tests.
 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or guardian will be called in to meet with the Principal/Vice-Principal and Activities Director to be advised of the positive test result and to allow the student an opportunity to respond to the test result. Although the District will attempt to contact parents or guardians to request their attendance at the meeting, the meeting between the student and administrators shall be conducted in their absence.
1. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-Principal and Student Activities Director will determine whether the student activity participant will be subject to further consequences. A student will be subject to consequences if, based on the discussions held at the meeting, the administrators have determined that there is no valid reason to question the positive test result or a proven violation.

4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the results of the meeting and of their determination as called for under Section (3) above. The student activity participant will continue to be allowed to attend and participate in practice activities pending the administrative decision and in cases where there is an appeal of this decision, pending the Board's consideration of the Superintendent's recommendation, but will be suspended from any traveling and/or competition with respect to the activity. Parents may waive the right to a Due Process hearing before the Board of Trustees by signing a waiver form.
5. The Board of Trustees shall consider and act upon any recommendation made by the Superintendent under Section (4) above. If the Board of Trustees determines that there is no valid reason to question the positive test result, the student activity participant will be subject to the following consequences:
 - a. First Offense: Student is placed on activities suspension of 15 contact days for all student activities. A contact day is defined as a day when a practice or event is held or a day when school is in session. Student will be required to participate in and complete a district approved intervention program, ex. Healing to Wellness.
 - b. Second Offense: Immediate removal from all activities for remainder of the season. Student will be required to participate in and complete a district approved intervention program like Healing to Wellness.

During periods of suspension, a student will be required to attend and participate in practice sessions. During the suspension period the student will not be allowed to wear his/her school uniform, be present in the locker rooms, or travel with the team for home or away competitions. The student remains ineligible.

Applications of Sanctions

Discipline set forth by this policy will be inclusive for grades 5 through 8 and 9 through 12.

Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law.

The successful completion of the next available intervention program, ex. Healing to Wellness, is a condition of any future participation in extra/co-curricular activities. A student activity participant will not be allowed to participate in any future extra/co-curricular activities until that student has successfully completed the required drug and alcohol awareness class.

United States Supreme Court References

515 U.S. 646 (1995)

Description

Vernonia School Dist. 47J v. Acton

Cross References

2151

Description

[Interscholastic Activities](#)

3310

[Student Discipline](#)

3310-P(1)

[Student Discipline - Student Drivers](#)

3310-P(2)

[Student Discipline - Applications of Sanctions](#)

3510

[School-Sponsored Activities](#)

3510-P(1)

[School-Sponsored Activities - Academic Eligibility](#)

Procedure 3600-P(2): Student Records - Special Student Records

Status: ADOPTED

Original Adopted Date: 08/08/1995 | **Last Reviewed Date:** 08/08/1995

Student Records

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

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

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

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

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
- ✓ Statewide student identifier assigned by the Office of Public Instruction
- ✓ Record of any disciplinary action taken against the student, which is educationally related

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:

- ✓ Intelligence and aptitude scores
- ✓ Psychological reports
- ✓ Participation in extracurricular activities
- ✓ Honors and awards
- ✓ Teacher anecdotal records
- ✓ Verified reports or information from non-educational persons
- ✓ Verified information of clear relevance to the student's education
- ✓ Information pertaining to release of this record

- ✓ Disciplinary information
- ✓ Camera footage only for those students directly involved in the incident

Information in the permanent record will indicate authorship and date and will be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building principal will be responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with District procedure established by the Superintendent.

Access to Student Records

This Section will be provided to students and parents. The District will grant access to student records as follows:

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.

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. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or not otherwise involved in the underlying matter.

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.
1. A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.
 1. 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.
 7. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information

from education records, or such other third parties under contract with the District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

8. 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.
9. The District may grant release of a child's education records to child welfare agencies without the prior written consent of the parents.
10. The District will grant access to or release information from a student's records pursuant to a court order.
11. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
12. 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.
13. 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.
14. Prior to release of any records or information under items 5, 6, 7, 8, and 9, 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.
15. 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.
16. 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.
17. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney
 - a. 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).
18. 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.
19. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:

- a. Information released or made accessible.
- b. Name and signature of the records custodian.
- c. Name and position of the person obtaining the release or access.
- d. Date of release or grant of access.
- e. Copy of any consent to such release.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student's directory photograph be removed from the repository.

Military Recruiters/Institutions of Higher Education/Government Agencies

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 Montana Superintendent of Public Instruction may release student information to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with Commissioner and Department. If the Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally identifiable information may be released to colleges, state-contracted testing agencies, and scholarship organizations with student consent.

The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Montana Code Annotated References	Description
20-1-212	Destruction of Records by school officer
20-5-201	Duties and Sanctions
20-7-104	Transparency and public availability of public school performance data
20-7-1317	Electronic directory photograph repository
40-4-225	Access to records by parent
40-6-701	Interference with fundamental parental rights restricted
41-3-201	Reports
41-5-215	Youth court and department records
Administrative Rules of Montana References	Description
10.55.909	Student Records
10.55.910	Student Discipline Records
United States Code References	Description
20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act

Code of Federal Regulations References

34 C.F.R. 99 et seq.

Description

Family Education Rights and Privacy Act

Cross References

2132

3110

3235

Description

[Student and Family Privacy Rights](#)

[Entrance, Placement, and Transfer](#)

[Video Surveillance](#)

PENDING

Policy 3606: Transfer of Student Records

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

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

If the records cannot be transferred within five (5) days, the District shall notify the requestor, in writing or electronically, providing the reasons why the District is unable to comply with the five (5) day time frame. The District shall also include in that notice the date by which the requested records will be transferred. A request for the transfer of records shall not be refused because the student owes fines or fees.

NOTES:

* *The original immunization record must be forwarded to the requesting district within thirty (30) days after a transferring pupil ceases attending the District.*

** *Based upon the position and advice of the Office of Public Instruction, Districts are to send the original Special Education file and not maintain a copy, in order to preserve confidentiality of the records.*

Montana Code Annotated References

20-1-213

Description

Transfer of School Records

Cross References

3520

Description

[Student Fees, Fines, and Charges](#)

Notice Form 3606-NF(1): Transfer of Student Records - Records Certification

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Reviewed Date:** 04/28/2004

I _____, the duly appointed custodian of records for the Browning

(Name of Custodian of Records)

School District No. 9, Glacier County, State of Montana, pursuant to § 20-1-213, MCA, do hereby

certify that the attached is a true and correct copy of the student records of _____,

(name of student)

maintained in my possession and under my control.

DATED this _____ day of _____, 20__.

Custodian of Records

Browning School District No. 9

(S E A L)

Policy History

Adopted on: 4/28/04

Revised on:

Montana Code Annotated References

20-1-213

Description

Transfer of School Records

Cross References

3520

Description

[Student Fees, Fines, and Charges](#)

Policy 3611: Gangs and Gang Activity

Status: ADOPTED

Original Adopted Date: 04/28/2004 | **Last Revised Date:** 06/24/2009 | **Last Reviewed Date:** 06/24/2009

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

1. One or more criminal acts; or
2. acts which threaten the safety or well-being of property or persons, including, but not limited to, harassment and intimidation.

Students on school property or at any school-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang . Hats not related to gang affiliation will be allowed.
2. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
3. Engage in any act furthering the interest of any gang or gang activity, including, but not limited to:
 - a. Soliciting membership in or affiliation with any gang;
 - b. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
 - d. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Montana Code Annotated References

Description

45-8-405

Pattern of criminal street gang activity

45-8-406

Supplying of firearms to criminal street gang

Policy 3612: School-Provided Access to Electronic Information, Services, Equipment, and Networks

Status: ADOPTED

Original Adopted Date: 08/10/2004 | Last Revised Date: 03/11/2014 | Last Reviewed Date: 03/11/2014

General

Internet access and interconnected computer systems are available to the District's students and faculty. Electronic networks, including the Internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided Internet access are responsible for good behavior on-line. The same general rules for behavior apply to students' use of District-provided computer systems. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the District's teachers and other staff will make reasonable efforts to supervise use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

Curriculum

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

The District's electronic network is part of the curriculum and is not a public forum for general use.

Acceptable Uses

1. **Educational Purposes Only.** All use of the District's electronic network must be: (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage.
2. **Unacceptable Uses of Network.** The following are considered unacceptable uses and constitute a violation of this policy:
 - A. Uses that violate the law or encourage others to violate the law, including, but not limited to, transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.
 - B. Uses that cause harm to others or damage to their property, including, but not limited to, engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
 - C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
 - D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.
 - E. Students are prohibited from joining chat rooms, unless it is a teacher-sponsored activity.

Internet Safety

Each District computer with Internet access shall have 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 as determined by the Superintendent or designee.

The school will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate for minors. The Superintendent or designee shall enforce the use of such filtering devices.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Filtering should only be viewed as one of a number of techniques used to manage student's access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors. Filtering should be used in conjunction with:

- Educating students to be "Net-smart";
- Using recognized Internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
 - Using "Acceptable Use Agreements";
- Using behavior management practices for which Internet access privileges can be earned or lost;
 - Appropriate supervision, in person and/or electronically.

The system administrator and/or building principal may monitor student Internet access. Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

Confidentiality of Student Information

Personally, identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent or guardian or, if the student is 18 or over, the permission of the student himself/herself. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and social security numbers. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

Internet Access Conduct Agreements

Each student and his/her parent(s)/legal guardian(s) will be required to sign and return to the school at the beginning of each school year the Internet Access Conduct Agreement prior to having access to the District's computer system and/or Internet Service.

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, and any user is fully responsible to the District and shall 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 purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the District in the event of the school's initiating an investigation of a user's use of his/her access to its computer network and the Internet.

Violations

If any user violates this policy, the student's access will be denied, if not already provided, or withdrawn and he/she may be subject to additional disciplinary action. The system administrator and/or the 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 his/her/their decision being final.

Montana Code Annotated References

20-5-201

Description

Duties and Sanctions

United States Code References

47 U.S.C. 254(h) and (l)

Description

Universal service

P.L. 106-554

Children's Internet Protection Act,

P.L. 110-385

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

Cross References

2050

Description

[Innovative Student Instruction](#)

2168

[Remote Instruction from Non-District Sources](#)

2170

[Digital Academy Classes](#)

2170-P(1)

[Digital Academy Classes](#)

3650

[Montana Pupil Online Personal Information Protection Act](#)

3650-NF(1)

[Montana Pupil Online Personal Information Protection Act - Contract and Terms-of-Service Agreement](#)

Procedure 3612-P(1): School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks

Status: ADOPTED

Original Adopted Date: 08/10/2004 | **Last Reviewed Date:** 08/10/2004

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 a 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. His or her decision is final.
3. **Unacceptable Use** – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
 - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
 - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
 - c. Downloading copyrighted material for other than personal use;
 - d. Using the network for private financial or commercial gain;
 - e. Wastefully using resources, such as file space;
 - f. Hacking or gaining unauthorized access to files, resources, or entities;
 - g. Invading the privacy of individuals which includes the unauthorized disclosure, dissemination and use of information of a personal nature about anyone;
 - h. Using another user's account or password;
 - i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the network while access privileges are suspended or revoked.
4. **Network Etiquette** – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
 - a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.

- e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user’s errors or omissions. Use of any information obtained via the Internet is at the user’s own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
 6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
 7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
 8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
 9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
 10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
 - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
 - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
 - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
 - d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
 - e. Student work may only be published if there is written permission from both the parent/guardian and the student.
 11. Use of Electronic Mail.
 - a. The District’s electronic mail system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides e-mail to aid students and staff members in fulfilling their duties and responsibilities and as an education tool.
 - b. The District reserves the right to access and disclose the contents of any account on its system without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.
 - c. Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.
 - d. Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet “domain.” This domain name is a registered domain name and identifies the author as being

with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.

- e. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message's authenticity and the nature of the file so transmitted.
 - f. Use of the District's electronic mail system constitutes consent to these regulations.
12. Internet Safety – 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.
- a. 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.
 - b. 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 as determined by the Superintendent or designee.
 - c. The system administrator and building principals shall monitor student Internet access.

Montana Code Annotated References

20-5-201

Description

Duties and Sanctions

United States Code References

47 U.S.C. 254(h) and (l)

Description

Universal service

P.L. 106-554

Children's Internet Protection Act,

P.L. 110-385

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

Cross References

Description

2050

[Innovative Student Instruction](#)

2168

[Remote Instruction from Non-District Sources](#)

2170

[Digital Academy Classes](#)

2170-P(1)

[Digital Academy Classes](#)

3650

[Montana Pupil Online Personal Information Protection Act](#)

3650-NF(1)

[Montana Pupil Online Personal Information Protection Act - Contract and Terms-of-Service Agreement](#)

Notice Form 3612-NF(1): School-Provided Access to Electronic Information, Services, Equipment, and Networks

Status: ADOPTED

Original Adopted Date: 04/25/2012 | Last Revised Date: 06/26/2013 | Last Reviewed Date: 06/26/2013

At Browning School District #9, we believe that technology can be a powerful tool to enhance learning, enabling students to access information and collaborate with others across the school, community, and the Internet. We believe that all students, staff and parents must be good digital citizens by following standards of *acceptable use* when using either school-owned technology (software, hardware, school network, Internet) or their own personal electronic device¹ for school purposes while enrolled at Browning School District #9. The declaration below outlines these standards of acceptable use. Once signed, it will act as an agreement between Browning School District # 9 and

Student's name (printed) Student's parent/guardian's name (printed)

This declaration must be reviewed and signed by both the student and their parent/guardian in order for any student to use a *school technology* (including computers, cameras, tablet devices, iPads, etc.) while on or off campus or to use their own *personal electronic device* while on campus.

Section A: Student Declaration

As a student at Browning School District #9, I value having access to technology to support my learning. I know that along with this privilege goes great responsibility. To demonstrate my commitment and understanding of the level of responsibility that is required, I agree to each of the expectations and guidelines listed below.

- I understand that having access to technology in school is a privilege and that this privilege may be revoked if I fail to fulfill my responsibilities as a user of this technology. I will comply with all the policies and rules pertaining to the use of technology, which the district has established or may establish in the future.
- When connected to the Internet, I will not reveal personal information such as my age, address or phone number, or those of other students or persons to anyone or any service.
- I will take full responsibility for, and respectfully use, the technology available to me at school. For example, this means I will use proper care if transporting, handling or operating any electronic device (e.g. computer, camera, etc.) while in school, whether it belongs to the school, another student, or myself.
- I understand that the district uses a content filter on its Internet access, yet I know it is possible that I may encounter inappropriate material. I will immediately close the application that depicts this material. I will then inform my teacher. I further understand that attempting to circumvent filtering solutions the district has in place is inappropriate and may result in disciplinary action.
- I understand that personnel from the school and District Technology have access to information about every web page I visit and file I create on school computers. I am aware that this information may be monitored and viewed by my teachers or other district personnel. I understand that this limits privacy as it pertains to the use of the technology that is assigned to me and information that is stored on school-provided (local and web-based) file storage spaces.
- I will not download or install any software, music, movies, or files of any nature unless I have been granted specific permission to do so by my teacher and the copyright holder grants permission.²
- I will always log out of the computer when finished using it, or when moving out of sight of the computer. (Any actions done on a computer when YOU are logged in are directly traceable to you.) I will not access or use the account of another student or teacher. If I notice another student or teacher has not logged out of a computer I am using, I will notify them (if possible) and log out.
- I will use a camera (or any device with a camera, e.g. cell phone, netbook, laptop, etc.) to take photos during school in an appropriate and responsible way both in school and on school supported field trips. School Administration may search my camera/phone/netbook memory if they feel school rules have been violated.
- I will not create, use, display, or store any offensive, obscene, inflammatory or defamatory language or images. I will not use the technology in any way that negatively affects any other student or persons.

- I will complete Internet Safety activities if prescribed by my teacher to learn about online safety and ethical online behavior.

Section B: Students bringing their own personal electronic device to school

Students at Browning School District 9 may bring their own personal electronic devices (including digital cameras, computers, web-enabled phones or personal devices (e.g. iPads, iPod touches, Kindle Fires, Android Tablets, laptops, etc.) which may or may not be able to connect to the school wireless network at the discretion of the buildings administration. When at school, all of the above conditions apply to these student-owned, personal electronic devices, in addition to the following:

- I will only connect to the school wireless network, and NOT to the school's wired network, nor any other (external) wireless network. This includes NOT connecting to 3G/4G or cellular type networks while on school campus.
- The device I am using will have virus protection software which is up-to-date.
- I will turn off all peer-to-peer (music/video/file-sharing) software or web-hosting services on my device while connected to the school wireless network.
- I will use the student owned device in class *only with the teacher's expressed permission*.
- I will use the student owned device outside the class (i.e. lunchroom) *only with the building administration's expressed permission*.
- I understand the security, care and maintenance of my device is my responsibility. I will securely store and charge my device when not in use.
- I understand that the school is not responsible for the loss, theft or damage of my device. I am fully responsible for my property while it is at school. I understand that should I leave my device in the custody of a staff member that they are not responsible for the loss, theft or damage of my device.
- I understand that personnel from the school and district technology may access my personal electronic device if there are reasonable grounds to believe that there has been a breach of school rules or discipline policies and that a search of the device would reveal evidence of that breach whether that search does or does not reveal a breach. This may include, but not limited to, audio and video recording, photographs taken on school property that violates the privacy of others, issues regarding bullying, verification that the students device is connected to the school network, etc. Students will provide appropriate login credentials to the device if required. Failure to provide access will be deemed satisfactory evidence and notify district/school administrators that the student device contains content that violates this section.
- I will not use an audio/video recording device, to record media or take photos during school unless I have permission from both a staff member, and those I'm recording. School Administration may search my device memory if they feel school rules have been violated.

Browning School District No. 9

Acceptable Use of Technology Agreement and Student Declaration:

This is to certify that _____, has read, understands, and will abide by all the acceptable use requirements on all pages as set forth in this agreement.

I agree that if I fail to keep my commitment to doing those things listed above that I will have my school network and/or school computer privileges revoked either temporarily or permanently. I understand that there may be other disciplinary consequences (up to and including expulsion) if there has been a breach of school rules or district policy and that those consequences may have adverse affects on my academic performance including lower grades or course failure.

 Student signature Date

Parent/Guardian Endorsement:

I have reviewed this all pages of this document with my child. I have discussed the importance of this agreement

with my child who understands the expectations and responsibilities associated with the proper care and handling of the school computers as well as the appropriate and ethical use of the technology at Browning School District 9. My child and I are clear that the consequences of not upholding their responsibilities will result in their technology privileges being withdrawn and have adverse affects such as lower grades or course failure.

Parent/Guardian signature Date

Notes:

¹A personal electronic device includes any of the following that is owned by the student: laptop computer, netbook, iPhone, iPads, tablet computers (or other devices with Internet access – e.g. BlackBerry, Cell Phone, iPod Touch, PDA, Nintendo DSi, etc.) This list is meant to only list possible examples and to include devices with similar type capabilities as they come to market.

²Sites like creativecommons.org and jamendo.com offer content which can be used legally and for free.

<p>I choose to not accept this agreement, with the understanding that my child will not be allowed computer or Internet access at Browning Public Schools except for required assessment testing.</p>	
<p>_____ Parent/Guardian signature</p>	<p>_____ Date</p>

Policy History

Adopted on: 4/25/12

Revised on: 6/26/13

Montana Code Annotated References

20-5-201

Description

Duties and Sanctions

United States Code References

47 U.S.C. 254(h) and (l)

P.L. 106-554

P.L. 110-385

Description

Universal service

Children’s Internet Protection Act,

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

Cross References

2050

2168

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2170-P(1)

3650

Description

[Innovative Student Instruction](#)

[Remote Instruction from Non-District Sources](#)

[Digital Academy Classes](#)

[Digital Academy Classes](#)

[Montana Pupil Online Personal Information Protection Act](#)

Cross References

3650-NF(1)

Description

[Montana Pupil Online Personal Information Protection Act - Contract and Terms-of-Service Agreement](#)

PENDING

Policy 3630: Cell Phone and Other Electronic Devices

Status: ADOPTED

Original Adopted Date: 09/30/2008 | **Last Revised Date:** 03/11/2014 | **Last Reviewed Date:** 03/11/2014

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

Students, K-12, may use cellular phones, pagers, and other electronic signaling devices on campus before school begins and after school ends. Only students, grades 9-12, may use such devices during the lunch period. Unauthorized use of such devices disrupts the instructional program and distracts from the learning environment. Therefore, unauthorized use is grounds for confiscation of the device by school officials, including classroom teachers. Confiscated devices will be returned to the parent or guardian. Repeated unauthorized use of such devices will result in disciplinary action.

PENDING

Montana Code Annotated References

20-5-201

Description

Duties and Sanctions

Cross References

3310

Description

[Student Discipline](#)

3310-P(1)

[Student Discipline - Student Drivers](#)

3310-P(2)

[Student Discipline - Applications of Sanctions](#)

Policy 3650: Montana Pupil Online Personal Information Protection Act

Status: ADOPTED

Original Adopted Date: 10/29/2019 | Last Reviewed Date: 10/29/2019

Pupil Online Personal Information Protection

The School District will comply with the Montana Pupil Online Personal Information Protection Act. The School District shall execute written agreements with operators who provide online applications for students and employees in the school district and third parties who provide digital educational software or services, including cloud-based services, for the digital storage, management, and retrieval of pupil records. The written agreement will require operators and third parties to the School District for K-12 purposes or the delivery of student or educational services to comply with Montana and federal law regarding protected student information. All pupil records accessed by the operator or third party during the term of the agreement or delivery of service to the application continue to be the property of and under the control of the school district.

Operators providing online applications to the School District shall not target advertising to students, sell student information, or otherwise misuse student information. Operators shall not use information to amass a profile about a pupil, except in furtherance of K-12 school purposes. Operators shall not sell a pupil's information, including protected information unless authorized by law. Operators shall not disclose protected information unless the disclosure is made in accordance with School District policy, state or federal law, or with parent consent. Operators shall implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information and safeguard that information from unauthorized access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected information if the school or district requests the deletion of data under the control of the school or district.

Third parties providing digital education software and services to the School District shall certify that pupil records will not be retained or available to the third party upon completion of the terms of the agreement. Furthermore, third parties shall not use any information in pupil records for any purpose other than those required or specifically permitted by the agreement with the operator. Third parties shall not use personally identifiable information in pupil records to engage in targeted advertising.

Third parties providing digital education software and services to the School District shall provide a description of the means by which pupils may retain possession and control of their own pupil-generated content. Third parties shall provide a description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's records and correct erroneous information. Third parties shall provide a description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18 years of age or older in the event of an unauthorized disclosure of the pupil's records;

An operator's or third party's failure to honor the law, agreement or School District policy will result in termination of services.

Montana Code Annotated References

Title 20, Chapter 7, Part 13

Description

Montana Pupil Online Personal Information Protection Act

United States Code References

20 U.S.C. § 1232g, et seq.

Description

Family Education Rights and Privacy Act

Cross References

3235

Description

[Video Surveillance](#)

3612

[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

3612-P(1)

[School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks](#)

Cross References

3612-NF(1)

Description

[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

PENDING

Notice Form 3650-NF(1): Montana Pupil Online Personal Information Protection Act - Contract and Terms-of-Service Agreement

Status: ADOPTED

Original Adopted Date: 06/30/1997 | Last Reviewed Date: 06/30/1997

For use with vendors providing student record management services and online applications utilized to deliver services to students.

This is a sample agreement to assist Montana public school districts in complying with the Montana Pupil Online Personal Information Protection Act. The sample agreement, if executed, will constitute a legally binding contract between the district and the vendor. As with any legal contract, school districts should consult with legal counsel prior to execution to ensure the provisions of the draft agreement reflect the terms the district has agreed upon with the contract and that the specific sections of the agreement protect the school district's interests. Legal assistance is available from the Montana School Boards Association at 406 442-2180

I. PARTIES:

The parties to this Agreement are the Browning Public Schools District #9, Browning, Montana 59417 (hereinafter "District") and _____ (hereinafter "Contractor" or "Contractor").

II. PURPOSE:

District retains Contractor to provide the following services on behalf of the District:

Provide technology services, including cloud-based services, for the digital storage, management, and retrieval of pupil records; provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records in accordance with the provisions of the contract.

Contractor shall be free from control and direction over the performance of the services, both under this Agreement and in fact. Except as limited herein, Contractor shall have and exercise full professional discretion as to the details of performance.

III. CONSIDERATION:

This provision may not be required in all agreements. Please consult the disclaimer at the top of the document for implementation details.

District shall pay Contractor (Option #1: an hourly rate of _____ dollars (\$_____)) or (Option #2: a flat fee of \$_____) for the performance of _____ on an "as-needed" basis, as retained by the _____ of the District. Contractor shall be responsible for all withholding and payment of relevant federal and state taxes on such payment.

IV. TERM OF AGREEMENT, NO GUARANTEE OF WORK, NON-EXCLUSIVITY:

This Agreement shall begin on the date of signature and shall expire on _____, 20__, unless terminated earlier by mutual agreement of the parties in conformance with Section VII. This Agreement shall not be construed as any guarantee of work or assignments to Contractor. Contractor shall be contacted on an "as-needed" basis by District, with no obligation by District to use Contractor for any specified number of projects. Contractor shall have no expectation of renewal of this Agreement and shall not be entitled to continue to contract with or perform services for the District beyond the expiration of this Agreement. This Agreement is non-exclusive, meaning that both Contractor and District may contract with any other party for the procurement or provision of investigative services without interference.

V. DEFINITIONS:

"Data" include all Personally Identifiable Information ("PII") and other non-public information including protected information as defined by Montana law. Data include, but are not limited to, student data, metadata, and user content.

Protected information may be created or provided by a pupil, or the pupil's parent or legal guardian, to an operator in the course of the pupil's, parent's, or legal guardian's use of the operator's K-12 online application or created or provided by an employee or agent of a school district to an operator in the course of the employee's or agent's use of the operator's K-12 online application; or gathered by an operator through the operator's K-12 online application. The term "protected information" includes but is not limited to:

- (i) information in the pupil's educational record or e-mail messages;
- (ii) first and last name, home address, telephone number, e-mail address, or other information that allows physical or online contact;
- (iii) discipline records, test results, special education data, juvenile dependency records, grades, or evaluations;
- (iv) criminal, medical, or health records;
- (v) social security number;
- (vi) biometric information;
- (vii) disability;
- (viii) socioeconomic information;
- (ix) food purchases;
- (x) political affiliation;
- (xi) religious information; or
- (xii) text messages, documents, pupil identifiers, search activity, photos, voice recordings, or geolocation information.

"Confidential Information" means information, not generally known, and proprietary to the Contractor or the School District or to a third party for whom the Contractor or the School District is performing work, including, without limitation, information concerning any patents or trade secrets, confidential or secret designs, processes, formulae, source codes, plans, devices or material, research and development, proprietary software, analysis, techniques, materials or designs (whether or not patented or patentable), directly or indirectly useful in any aspect of the business of the Contractor or the School District. Confidential Information includes all information which Contractor or the School District acquires or becomes acquainted with during the period of this Agreement, whether developed by Contractor, the School District or others, which Contractor or the School District has a reasonable basis to believe to be Confidential, such as data that is personally identifiable to an individual student and information within the definition of "Education Record." The parties agree that the following will be treated as "Confidential Information": (i) all database information ("Data") provided by or on behalf of the School District to Contractor; (ii) all information provided by Contractor to the School District pertaining to the Services; (iii) all information which is labeled as such in writing and prominently marked as "Confidential," "Proprietary" or words of similar meaning by either party; or (iv) business information of a party which a reasonable person would understand under the circumstances to be confidential.

VI. WORKERS' COMPENSATION/INDEPENDENT CONTRACTORS EXEMPTION:

This provision may not be required in all agreements. Please consult the disclaimer at the top of the document for implementation details.

Contractor shall maintain an Independent Contractor's Exemption while performing work under this

Agreement in accordance with §§ 39-71-417/401/405, MCA. Neither the contractor nor its employees are employees the District. Contractor shall provide proof of such exemption on or before _____, 20 __, and the exemption must be and remain valid for the entire term of this Agreement.

VII. WORK PRODUCT - OWNERSHIP:

Unless otherwise noted in this agreement, all work product completed in whole or in part under this Agreement, including but not limited to records, reports, documents, pleadings, exhibits and other materials related to this Agreement and/or obtained or prepared by, or supplied to Contractor in connection with the performance of the services contracted for herein shall be confidential, shall not be discussed or otherwise disseminated by Contractor without the authorization of District, and shall remain the exclusive property of District. Contractor shall return all such work product to District upon termination or expiration of this Agreement. Contractor further agrees to supply a copy of all documents prepared or maintained in an electronic format to District in such electronic format.

Nothing contained in this Agreement or inferable from this Agreement shall be deemed or construed to: 1) make Contractor the agent, servant or employee of the School District; or 2) create any partnership, joint venture, or other association between the School District and Contractor. Any direction or instruction by the School District or any of its authorized representatives in respect of the work shall relate to the results the School District desires to obtain from the work, and shall in no way affect Contractor's or OPERATOR's independent status.

Contractor shall not use the image or likeness of the School District's buildings or the School District's official logo or emblem and any other trademark, service mark, or copyrighted or otherwise protected information of the School District, without the School District's prior written consent. Contractor shall not have any authority to advertise or claim that the School District endorses Contractor's or OPERATOR's services, without the School District's prior written consent.

VIII. LIABILITY INSURANCE AND INDEMNITY:

This provision may not be required in all agreements. Please consult the disclaimer at the top of the document for implementation details.

Contractor hereby certifies that Contractor has, and shall maintain during the entire term of this Agreement, liability insurance in a minimum amount of \$_____ per claimant and \$_____ per occurrence. Contractor agrees and warrants that contractor shall indemnify and defend the District as to any claim or action by any party against the District in relation to the negligent or intentional acts or omissions of Contractor or Contractor's agents or employees, inclusive of any claim for damages, costs of any such action, and/or attorney fees incurred in defending any such claim or action.

IX. MONTANA PUPIL ONLINE PERSONAL INFORMATION PROTECTION ACT

In accordance with the Montana Pupil Online Personal Information Protection Act, pupil records continue to be the property of and under the control of the school district. Contractor is prohibited from using any information in pupil records for any purpose other than those required or specifically permitted by this Agreement. Contactor is specifically prohibited from using personally identifiable information in pupil records to engage in targeted advertising.

By executing this Agreement, Contractor certifies that pupil records will not be retained or available upon completion of the terms of the Agreement. Upon completion of this Agreement, Contractor will provide written certification to the School District pupil records are no longer held, possessed or otherwise available to Contractor or its employees, agents, or subcontractors. This requirement does not apply to pupil-generated content if a pupil chooses to establish or maintain an account with the third party for the purpose of storing that content.

Parents, guardians and eligible pupils have the right to inspect the personal information held by the Contractor. Parents, guardians, or pupils should submit to the school principal written request identifying the information they wish to inspect. The principal will make arrangement for access and notify the requesting party of the time and place the information may be inspected. Contractor will cooperate with

the School District to accommodate any inspection request. The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

Parents/guardians or eligible pupils may ask the School District to amend a personal information held by the Contractor they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal clearly identifying the part of the record they want changed and specify the reason. Contractor will cooperate with the School District to accommodate any amendment request.

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 pupil 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.

Parents/guardians or eligible pupils may ask the School District to transfer possession of personal information held by the Contractor to the pupil. Parents, guardians, or pupils should submit to the school principal written request identifying the information they wish to transfer. Contractor will cooperate with the School District to accommodate any transfer request including providing options by which a pupil may transfer pupil-generated content to a pupil's personal account.

Contractor designates _____, as the primary employees responsible to ensure the security and confidentiality of pupil records. By signing this agreement, Contractor certifies that designated employees have completed training in pupil information security and confidentiality. Documentation of this training including its scope, duration, and date of completion will be provided to the School District upon execution of this Agreement. Compliance with this requirement does not, in itself, absolve the third party of liability in the event of an unauthorized disclosure of pupil records.

Contractor will immediately provide written notification to the School District of any unauthorized disclosure of pupil information. Contractor will coordinate with the School District to notify the parent, legal guardian, or pupil affected by an unauthorized disclosure of the pupil's records.

X. CONFIDENTIALITY SAFEGUARDS:

Contractor will collect and use the School District's Data only for the purpose of fulfilling its duties and providing services under this Agreement, and for improving services under this Agreement.

If Contractor will have access to "education records" as defined under the Family Educational Rights and Privacy Act (FERPA) (34 CFR Part 99), the Contractor acknowledges that for the purpose of this Agreement it will be designated as a 'school official' with 'legitimate educational interests' and will use the data only for the purpose of fulfilling its duties under this Agreement. Contractor agrees to indemnify and hold harmless the Board of Trustees of the School District for any damages or costs, including reasonable attorney's fees, which arise out of any gross negligence or willful misconduct by Contractor, its agents and employees concerning its FERPA obligations under this section.

In performing services under this Agreement, Contractor and the School District may be exposed to and will be required to use certain "Confidential Information", as defined below. Contractor and the School District along with their employees, agents or representatives will not, use, directly or indirectly, such Confidential Information for purposes other than the purposes outlined in this Agreement.

Any Confidential Information acquired or received by either party (the "Recipient") in the course of this Agreement will not be disclosed or transferred to any person or entity other than to employees of a party and, as to Contractor, for the purpose of performing its obligations under this Agreement. Confidential Information received under this Agreement will be treated with the same degree of care and security as each party uses with respect to its own Confidential Information, but not less than a reasonable degree of care. The parties agree to use Confidential Information only for the purpose of performance of this Agreement and to make no copies except as necessary for performance of this Agreement. Any such confidential information and copies thereof made by a party, or any representative of a party, shall be completely and promptly destroyed at the conclusion of contract performance subject to this Agreement

Upon termination or completion of the Services hereunder, upon request of the School District, Contractor will delete the School District's Confidential Information as housed in the Contractor production database(s), provided that Contractor may maintain archival copies for audit purposes and

dispute resolution purposes and Contractor may retain copies of Confidential Information on back-up media in which such Data is co-resident with other employment and income data. Contractor shall remain under its contractual obligation of confidentiality and security to the School District and such obligations shall survive termination of the Agreement. This Section shall survive the termination of this Agreement.

Contractor may use de-identified Data for product development, research, or other internal purposes. De-identified Data will have all direct and indirect personal identifiers removed. This includes, but is not limited to, name, ID numbers, date of birth, demographic information, location information, and school ID. Furthermore, Contractor agrees not to attempt to re-identify de-identified Data.

Contractor is prohibited from mining the School District's Data for any purposes other than those agreed to by the parties. Data mining or scanning of user content for the purpose of advertising or marketing to students or their parents is prohibited. Any and all forms of advertisement, directed towards children, parents, guardians, or District Employees will be strictly prohibited unless allowed with express written consent of the District. Contractor shall not use information to amass a profile about a pupil, except in furtherance of K-12 school purposes. Operators shall not sell a pupil's information to unauthorized third parties.

Contractor will not change how School District Data are collected, used, or shared under the terms of this Agreement in any way without advance notice to the School District. This Agreement is the entire agreement between the School District (including all District end users) and the Contractor. All other agreements or understandings, whether electronic, click-through, verbal or in writing, with District Employees or other End Users shall be null and void.

Contractor will not share School District data, with or disclose it to any third party, except to affiliated subcontractors, agents, or third-party service providers of the Contractor, without prior specific and informed written consent of the School District, except as required by law. Contractor will not post School District or specific student data to any searchable or publicly viewable website. Contractor shall not disclose protected information unless the disclosure is made in accordance with School District policy, state or federal law, or with parent consent. Contractor shall implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information and safeguard that information from unauthorized access, destruction, use, modification, or disclosure in accordance with School District policy and this Agreement.

School District Data will not be stored outside of the United States without prior, specific and informed written consent from the School District.

All goods, products, materials, documents, reports, writings, video images, photographs, papers and intellectual property of any nature including software or computer images prepared by the Contractor (or subcontractors) for the School District or from School District-provided material will not be disclosed to any other person or entity and remains the property of the school system. All student-produced work remains the property of the school system or that eligible student. The Contractor has a limited, nonexclusive license to the data described herein solely for the purpose of performing its obligations as outlined in the Agreement. This Agreement does not give Contractor any rights, implied or otherwise, to Data, content, or intellectual property, except as expressly stated in the Agreement, including any right to sell or trade Data.

Except as otherwise expressly prohibited by law, the Contractor will immediately notify the School District of any subpoenas, warrants, or other legal orders, demands or requests, including Audits, and governmental requests and demands, received by the Contractor seeking School District Data. If the School District receives a similar request, the Contractor will promptly supply the School District with copies of records or information required by the School District to respond.

Contractor will store and process School District Data in accordance with industry best practices. This includes appropriate administrative, physical, and technical safeguards to: 1) ensure the security and confidentiality of PII and Confidential Information; 2) protect against any anticipated threats or hazards to the security or integrity of Confidential Information; 3) protect against unauthorized access to or use of Confidential Information that could result in substantial harm or inconvenience to any customer or to any School District employee and/or student; and 4) dispose of PII and Confidential Information in a secure manner.

XI. DATA BREACHES:

Contractor shall notify the School District in writing as soon as commercially practicable, however no later than forty-eight (48) hours, after Contractor has either actual or constructive knowledge of a breach which affects the School District's Data (an "Incident") unless it is determined by law enforcement that such notification would impede or delay their investigation. Contractor shall have actual or constructive knowledge of an Incident if Contractor actually knows there has been an Incident or if Contractor has reasonable basis in facts or circumstances, whether acts or omissions, for its belief that an Incident has occurred. The notification required by this section shall be made as soon as commercially practicable after the law enforcement agency determines that notification will not impede or compromise the investigation. Contractor shall cooperate with law enforcement in accordance with applicable law provided however, that such cooperation shall not result in or cause an undue delay to remediation of the Incident. Contractor shall promptly take appropriate action to mitigate such risk or potential problem at Contractor's or OPERATOR's expense. In the event of an Incident, Contractor shall, at its sole cost and expense, restore the Confidential Information, to as close its original state as practical, including, without limitation any and all Data, and institute appropriate measures to prevent any recurrence of the problem as soon as is commercially practicable.

Contractor will conduct periodic risk assessments and remediate any identified security vulnerabilities in a timely manner. Contractor will also have a written incident response plan, to include prompt notification of BSD7 in the event of a security or privacy incident, as well as best practices for responding to a breach of PII.

XII. LEGAL COMPLIANCE AND NON-DISCRIMINATION:

All services provided by Contractor under this Agreement will be completed in accordance with state and federal law and School District Policy. Copies of School District Policies are available upon request. The parties specifically agree to collaborate in the enforcement and compliance with the Family Educational Rights and Privacy Act.

All employees hired by Contractor to perform services under this Agreement shall be hired by Contractor on the basis of merit and qualifications to perform the duties necessitated by the requirements of this Agreement. Such qualifications are those abilities of an applicant for employment genuinely related to competent and satisfactory performance of Contractor's obligations under this Agreement. Contractor agrees and warrants that Contractor's hiring practices related to employees performing services under this Agreement, as well as Contractor's practices related to promotion, retention, compensation, and other terms, conditions or privileges of employment, shall be nondiscriminatory, and such hiring, promotion, retention, and general employment practices shall not be based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

XIII. EMPLOYEE REQUIREMENTS:

All employees of Contractor performing labor under this Agreement that have unsupervised access to students, including Contractor in the event that Contractor personally performs labor under this Agreement, shall be subjected to a name-based and fingerprint criminal background investigation conducted by an appropriate law enforcement agency. Contractor shall provide to the District the results of such investigation for each employee (including Contractor) prior to any such employee performing any services under this Agreement. The District shall have the authority, in the discretion of the District Superintendent, to prohibit Contractor from permitting any such employee to perform services under this Agreement on the basis of information set forth in the results of a criminal background investigation.

XIV. EMPLOYEE MISCONDUCT:

All employees of Contractor (including Contractor) shall perform services under this Agreement in a professional manner, and shall, at all times while present on District property, behave in a manner appropriate to a school setting. Contractor shall discipline or terminate the employment of any of

Contractor's employees performing services under this Agreement for engaging in any conduct inappropriate to a school setting, including, but not limited to, being under the influence or in possession of alcohol or any controlled substance while on District property; use of foul language; bullying or harassment of District students or staff; or such other conduct deemed inappropriate by the District. The District shall have the authority, in the discretion of the District Superintendent, to prohibit Contractor from permitting any employee to perform services under this Agreement based upon one or more instances of employee misconduct as described herein.

XV. TERMINATION PRIOR TO EXPIRATION OF CONTRACT TERM:

This Agreement may be terminated at any time prior to expiration of the contract term by mutual agreement of the parties in writing. This Agreement may be terminated unilaterally by either party for cause or noncompliance with the terms, conditions, and requirements set forth herein, provided, however, that the noncompliant party shall first be entitled to a written demand for compliance and a reasonable opportunity to cure any noncompliance therein identified. Failure to cure any identified noncompliance within 20 days of receipt of written demand shall constitute a material breach of this Agreement, and shall entitle the non-breaching party to immediately terminate this Agreement. All parties subject to a contract voided under this subdivision shall return all pupil records in their possession to the school district

XVI. ENTIRE AGREEMENT, MODIFICATION, AND WAIVER:

This Agreement embodies the complete agreement of the parties hereto, superseding all oral and written previous and contemporary agreements between the parties. No alteration or modification of this Agreement shall be valid unless evidenced by a writing signed by the parties to this Agreement. A waiver of any term or condition of this Agreement or breach of this agreement shall not be deemed a waiver of any other term or condition of this Agreement or any part hereof or of any later breach of this Agreement. Any waiver must be in writing each time a waiver occurs.

XVII. SAVINGS CLAUSE:

In the event any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

XVIII. NOTICES:

All notices, consents, request, instructions approvals or other communications provided for herein shall be in writing and delivered by both email and personal delivery or regular U.S. mail, return receipt requested, to the last known address of the party being provided such notice.

XIX. ENFORCEMENT AND INTERPRETATION:

This Agreement shall be enforced and interpreted pursuant to the laws of the State of Montana. Jurisdiction over any claim or action for interpretation or enforcement of, or otherwise arising from the terms and conditions of this Agreement, shall be with the appropriate Montana District Court.

This agreement is subject to the laws of Montana and School District policy. Contractor is expressly notified that the agreement is subject to the Montana Pupil Online Personal Information Protection Act

and violation of the act may be considered a crime a conviction of such may result in a fine not less than \$200 or more than \$500.

Any civil claim arising out of or related to the Agreement, or services provided under the Agreement, may be subject to mediation at the request of either party. School District and Contractor expressly agree that mediation shall not be a condition precedent to the initiation of any litigation arising out of such Claims. Claims for injunctive relief shall not be subject to this Section. Any claim not resolved in mediation shall be subject to litigation in accordance with the laws of the State of Montana. Any litigation shall be conducted in Montana district court. Mandatory and exclusive venue for any disputes shall be in the county in which the School District is located.

Notwithstanding anything to the contrary in the Agreement or in any document forming a part hereof, there shall be no mandatory arbitration for any dispute arising hereunder. The parties may mutually agree in writing to submit a dispute to arbitration but the default dispute resolution shall be litigation. Contractor stipulates that the School District is a political subdivision of the State of Montana, and, as such, enjoys immunities from suit and liability provided by the Constitution and laws of the State of Montana. By entering into this Agreement, the School District does not waive any of its immunities from suit and/or liability, except as otherwise specifically provided herein and as specifically authorized by law. In any adjudication under this Agreement, reasonable and necessary attorneys' fees may be awarded to the prevailing party. The parties acknowledge that, as a public entity in the State of Montana, the School District and entities contracting with the School District must comply with the open records laws of the State.

I have read this Agreement, understand its terms, and agree to be bound thereby.

DATED this _____ day of _____, 20____.

----- Date: -----

Contractor

----- Date: -----

Board Chair, Browning School District 9

ATTEST:

----- Date: -----

District Clerk, Browning School District 9

Montana Code Annotated References

Title 20, Chapter 7, Part 13

Description

Montana Pupil Online Personal Information Protection Act

United States Code References

20 U.S.C. § 1232g, et seq.

Description

Family Education Rights and Privacy Act

Cross References

3235

Description

[Video Surveillance](#)

3612

[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

3612-P(1)

[School-Provided Access to Electronic Information, Services, Equipment, and Networks - Acceptable Use of Electronic Networks](#)

3612-NF(1)

[School-Provided Access to Electronic Information, Services, Equipment, and Networks](#)

Procedure 4120-P(1): Public Relations - Parent Involvement rev

Status: ADOPTED

Original Adopted Date: 06/13/2017 | **Last Reviewed Date:** 06/13/2017

The amount of parent involvement in a child's education is significant in determining the child's success. For this reason, it is the goal of Browning Public Schools that the parents of all students be involved in their children's education in and out of school. In an effort to reach this goal and the goal of high achievement for all students, the district agrees to provide parents with the following:

1. Notice providing parents with information regarding building School Improvement Plans , including opportunities for parents to serve on School Improvement Teams, which all require parent participation.
2. A public meeting to be held at both the campus and district level in the first quarter of each school year to explain programs and activities, meet staff, and answer questions.
3. A public meeting in the last quarter of each school year to allow parents the opportunity to evaluate the School Improvement Plan and have input into modifying the plan.
4. The opportunity to become involved in a parent teacher organization at each building, and to be involved in the planning and implementation of effective parent involvement activities to improve student academic and school performance. Each building will schedule and publish regular meeting dates.
5. The opportunity to coordinate and integrate parental involvement strategies with other programs such as Head Start, Even Start, and other relevant preschool programs.
6. School-Parent Compacts at each building outlining how parents, students and staff will share responsibility for promoting high student achievement.
7. An annual report prepared by the superintendent summarizing school performance. Information regarding school performance will be reported regularly via the local media, fall parent meetings and an annual meeting of the Board of Trustees.
8. Quarterly reports informing parents of their children's progress and information regarding staff availability for conferences.
9. A minimum of two parent teacher conferences where parents will be informed about the district curriculum and given evidence of multiple ongoing assessment, and proficiency levels of their students.
10. Encouragement to meet with the staff and observe and/or volunteer in their children's classes.
11. A variety of parent training opportunities throughout the school year.
12. A minimum of one school-sponsored family literacy activity per month during the school year.
 1. Access to a parent advocate, family support person, or home-school coordinator.
1. An opportunity to participate annually in an evaluation of parent involvement programs.
15. Assurance that the district will meet monthly with Blackfeet Head Start to coordinate and integrate programs.
16. Assurance that the district will conduct, with the involvement of parents an annual evaluation of the content and effectiveness of the parent involvement policy and use the findings to revise the policy if necessary.
17. Assurance that all communication will be in language and form clear to all parents.

Montana Constitution References

Description

Article II, Section 8	Right of participation
Article II, Section 9	Right to know

Cross References

1000

1000-P(1)

1400

Description

[Legal Status, Operation and Organization](#)

[Legal Status, Operation and Organization](#)

[Board Meetings](#)

PENDING

Policy 4210: School-Support Organizations, Boosters and Fundraising

Status: ADOPTED

Original Adopted Date: 05/09/2007 | **Last Revised Date:** 03/26/2014 | **Last Reviewed Date:** 03/26/2014

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. Membership in these organizations will be open and unrestricted.

Booster Clubs and/or special interest organizations may be formed to support and strengthen specific activities conducted within the school or District. All such groups must receive the approval of the school principal, Superintendent, and the Board in order to be recognized as a booster organization. Staff participation, cooperation and support are encouraged in such recognized 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 Superintendent or designee.

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.

Senior Scholarships

All scholarships awarded during the school awards function or at graduation by school support organizations or individual donors must have their scholarship funds on deposit with the District business office before April 30th in order to be included in the awards function and/or the graduation program.

Montana Code Annotated References

	Description
2-2-102	Definitions
2-2-104	Rules of Conduct
20-6-601	Power to accept gifts
20-9-604	Gifts, legacies, devises, and administration of endowment fund

Cross References

	Description
3210	Equal Educational Opportunity, Nondiscrimination and Sex Equity
3210-P(1)	Equal Educational Opportunity, Nondiscrimination and Sex Equity - Equal Education, Nondiscrimination and Sex Equity
7260	Endowments, Gifts, and Investments
7425	Extra-Curricular Funds
7425-P(1)	Extra-Curricular Funds - Extracurricular Funds

Policy 4301: Visitors to School

Status: ADOPTED

Original Adopted Date: 11/30/2021 | **Last Reviewed Date:** 11/30/2021

The District welcomes visits by parents and citizens to all District buildings. All visitors shall report to the principal's office [school building office] on entering any District building and comply with any other applicable school safety and security policy, procedure, or protocol. School visitors shall not interfere with school operations or delivery of educational services to students. Conferences with teachers should be held outside school hours or during the teacher's conference or preparation time.

Any person, including an adult, who behaves in an unsportsmanlike or inappropriate manner during a visit to the school or a school event may be ejected from the event and/or denied permission to access school buildings or property or school events as determined by the Board of Trustees. Examples of unsportsmanlike or inappropriate conduct include but are not limited to:

- Using vulgar or obscene language or gestures;
- Possessing or being under the influence of any alcoholic beverage;
- Possessing or consuming any illegal substance or marijuana;
- Possessing a weapon or firearm in violation of Policy 4332;
- Fighting or otherwise striking or threatening another person;
- Failing to obey instructions of a security officer or District employee; and
- Engaging in any illegal or disruptive activity.
- Other violations of District Policy.

The Superintendent is authorized to temporarily restrict access to school buildings or property and recommend to the Board of Trustees denial of future admission to any person by delivering or mailing a notice by certified mail with return receipt requested, containing:

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

Montana Code Annotated References

20-1-206

Description

Disturbance of school - penalty

20-3-324

Powers and duties

Montana Constitution References

Article X, section 8

Description

School District Trustees

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

4315

[Visitors and Spectator Conduct](#)

4332

[Conduct on School Property](#)

8300

[Risk Management](#)

8301

[District Safety](#)

8301-P(1)

[District Safety - ATF Bomb Threat Checklist](#)

8301-P(2)

[District Safety - Bomb Threat History Form](#)

Cross References

8301-P(3)

8301-P(4)

8301-P(5)

Description

[District Safety - Bomb Threat](#)

[District Safety - Bomb Threat Procedures](#)

[District Safety - Missing School Children](#)

PENDING

Policy 4315: Visitors and Spectator Conduct

Status: ADOPTED

Original Adopted Date: 03/13/2012 | **Last Reviewed Date:** 03/13/2012

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

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

Montana Code Annotated References

	Description
16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-1-206	Disturbance of school - penalty
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-4-303	Abuse of teachers
45-8-101	Disorderly conduct
45-8-351	Restiction on Local Government Regulation of Firearms
45-8-361	Possession of weapon in a school building

Montana Constitution References

	Description
Article X, section 8	School District Trustees

Cross References

	Description
4301	Visitors to School
4330	Community Use of School Facilities
4330-P(1)	Community Use of School Facilities - Facilities Regulations
4330-P(2)	Community Use of School Facilities - Use of District Property
4332	Conduct on School Property
8300	Risk Management
8301	District Safety
8301-P(1)	District Safety - ATF Bomb Threat Checklist
8301-P(2)	District Safety - Bomb Threat History Form
8301-P(3)	District Safety - Bomb Threat
8301-P(4)	District Safety - Bomb Threat Procedures
8301-P(5)	District Safety - Missing School Children

Policy 4330: Community Use of School Facilities

Status: ADOPTED

Original Adopted Date: 06/08/1999 | **Last Reviewed Date:** 06/08/1999

1. A district-employed custodian or other qualified person with certificate, are hired at user's expense, and will have the responsibility of preparing the gymnasium and/or facilities for "classroom readiness" following each event. Assignment of such persons will be coordinated by the Facilities Coordinator. Building custodians will have preference, followed by other district custodians or substitute custodians and finally community people that verify that they have Right to Know training. "Classroom ready" means the floors must be swept, mopped, trash cans emptied, bathrooms and locker rooms must be thoroughly cleaned and all equipment placed in its appropriate place. If the Facility User wants into the gym before daily cleaning has been done, it is still their responsibility to have building classroom ready.
2. No one should be in any school district facility after 10:00 p.m. on any night unless previously agreed upon by the facilities coordinator. It is the responsibility of the security or custodian and facilities coordinator to make sure that all doors are checked, closed, locked and building is clean.

#.2 Substance Free Usage

1. Absolutely no possession or use of alcoholic beverages, non-prescription drugs, mind-altering substances, or smoking and smokeless tobacco will be allowed in or around the gymnasium and/or facilities.

#.3 Fees

Damage deposit: A damage deposit of \$300.00 will be required to be paid to the district prior to any non-School District No. 9 organization being approved to use a school facility. This deposit may be totally refunded at the completion of said activity, or partially refunded when damages are resolved and paid for from the deposit.

Insurance: The school district reserves the right in its sole discretion, to require groups to provide liability insurance, with the District as the additional named insurer, in an amount up to \$1,000,000.00. The amount of coverage may be allowed to vary with the level of risk associated with the activities and may include required coverage for property damage. The superintendent will determine the amount of coverage. All applicants for use of school facilities shall agree to indemnify and hold the district harmless from any claims, loss, damages, expense or liability that may arise as a result of, or in connection with their use of school facilities.

Custodial Fees: School Custodians Per negotiated Agreement. All other \$12.00/hour.

Daily Charges: Groups must pay a minimum fee of \$100.00 daily for facility use.

Food Service: Costs associated with food preparation will be assigned to the user group by the Food Service Director.

The required fees, custodial, food service and building charge must be paid two (2) weeks in advance of the proposed date of the activity or the agreement will be void. Payment of these fees shall be made only to Browning Public Schools through the Facility Coordinator. The Facility Coordinator will provide a copy of the contract and receipt to all appropriate parties.

#.4 Designation of User Groups

Group 1: This group includes those organizations with activities where all revenue profits are to be utilized solely for the benefit of student organizations approved by the school and is to include only those students currently enrolled in Browning Public Schools. Also included in this group are school district activities defined by the Director of Personnel to be associated with a wellness program. The primary purpose of facility/use by staff is confined to activities that benefit a group comprised primarily of school district staff.

Group II: Fees at 50% may be required at the discretion of the Superintendent. This group includes those non-profit organizations, which sponsor an activity solely for Browning Public School's children's benefit. (4013B exemption status must be provided) This would include churches, service clubs and community based benefits.

Group III: This group includes community or private organizations sponsoring activities for their own benefit and/or profit with the approval of the superintendent.

Group IV: This includes any group not affiliated with the community; the group whose activities are deemed not to be a service to our community and/or students. Such groups must submit a request for facility use at least six months in advance. The district reserves the right to refuse rental if the cost of the camp/event is deemed extravagant.

Group V: Commercial users - Kitchen facilities shall be made available at the sole discretion of the Food Service Director. Use of freezers, coolers, storage rooms, and utensils, excluding pots and pans, must be approved by the Food Service Director. District cooks or board approved temporary food service employees will be hired to prepare the food.

#.5 Funeral Emergency Use Only

Rosary or Funeral services, which are too large to be accommodated by local facilities, will be considered at the Browning Elementary School or the Browning Middle School only when school is not in session; if there are no extracurricular events scheduled; with approval of the Superintendent.

The use of district facilities may not compromise the efficiency of day to day operation of the school district under any circumstances. Effective teaching and learning must always be considered a priority in the decision to loan/use any district facility by an outside group during a school day. The building must be vacated by 9:00 p.m. on a school night. The user will be responsible for all custodial fees.

#.6 Concessions

1. All concession stands, booths, and displays will be for student activities use or approved by activities director. Groups may sell concessions using their own equipment, outside of concession stands, at the discretion of the Facilities Coordinator.
2. The Lesser, Browning School District No. 9, reserves the right to cancel the Facility Use Agreement in the event of an emergency, as determined by the Superintendent. The District will attempt to provide an alternate site if available.

#.7 Security

1. Groups II, III, IV, V and VI will be required to submit a plan for security and crowd control. Security must be provided both inside and outside the facilities. The organization will be responsible for the cost or fees for the security. A written agreement covering this will be attached with the facility use agreement.

#.8 Gratuities/Gifts to Students

1. Organizations cannot present gifts or gratuities of any kind to students as outlined in the Montana High School Association's rules.

Montana Code Annotated References

	Description
16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-6-602	Trustees' power of property
20-6-607	Leasing district property and disposition of any rentals
45-8-361	Possession of weapon in a school building

Montana Constitution References

	Description
Article X, section 8	School District Trustees

Cross References

4315

Description

[Visitors and Spectator Conduct](#)

PENDING

FACILITY USE FEES 9335R

	Damage Deposit	Insurance	Custodial	Food Service	Daily Charge	Secur Requir
Group I School Related	*Sup't Discretion	No	No	If Applicable	No	No
Group II Community/Non- Profit	*Sup't/Designee Discretion \$300.00	*Sup't/Designee Discretion \$1,000,000	*Sup't/Designee Discretion 50%	If Applicable	No	*Sup' Discret
Group III Private/Community Profit	\$300.00	*Sup't/Designee Discretion \$1,000,000	Per Policy	If Applicable	No	Yes
Group IV Summer Youth Camps	\$300.00	*Sup't/Designee Discretion \$1,000,000	Per Policy	If Applicable	\$100.00 Per Day	Yes
Group V Commercial Users		*Negotiable in Excess of Standard Fees				Yes
Group VI Rural School Sites		*Discretionary				

***Superintendent/Designee has final authority in all matters indicated as discretionary.**

Montana Code Annotated References

16-12-108
 20-1-220
 20-6-602
 20-6-607
 45-8-361

Description

Limitations of Marijuana Regulation Act
 Use of tobacco product in public school building or on public school property prohibited
 Trustees' power of property
 Leasing district property and disposition of any rentals
 Possession of weapon in a school building

Montana Constitution References

Article X, section 8

Description

School District Trustees

Cross References

4315

Description

[Visitors and Spectator Conduct](#)

Procedure 4330-P(2): Community Use of School Facilities - Use of District Property

Status: ADOPTED

Original Adopted Date: 03/10/1997 | **Last Reviewed Date:** 03/10/1997

This policy is to be used as a guide in determining the validity of requests on the part of community groups desiring the loan of school district property:

- (1) Administrators or supervisory personnel accept full responsibility for appropriate interpretation of policy #9321. Questions regarding interpretation should be referred to the superintendent. Failure to utilize proper administrative discretion in this regard is not acceptable.
- (2) The loan of district property may not compromise the efficiency of day to day operation of the school district under any circumstances. Effective teaching and learning must always be considered a priority in the decision to loan any district property.
- (3) All property must be checked in and out by supervisory personnel utilizing the attached form 9321R. Completed forms are to be maintained on an annual basis by the authorizing administrator.
- (4) The requesting party must agree in writing to accept financial responsibility for repair / replacement of property which is borrowed for non-school use.
- (5) Specific timelines for the term of the loan must be addressed prior to removal of any property from the district.
- (6) Property, which is loaned, must be checked out and returned during the normal operating hours of the district.
- (7) Failure of the responsible party to return borrowed property within the designated timeline should be reported to the superintendent's office for potential revocation of borrowing privileges.

Board Policy #9321 clearly intends for the administrative team, under the direction of the superintendent, to make school owned equipment and furniture available to community organizations whose goals are consistent with those of School District #9. It is however, the responsibility of every administrator to insure that all conditions are met in order to insure satisfactory implementation of this policy. Do not hesitate to contact the superintendent to clarify your responsibility.

Montana Code Annotated References

Montana Code Annotated References	Description
16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-6-602	Trustees' power of property
20-6-607	Leasing district property and disposition of any rentals
45-8-361	Possession of weapon in a school building

Montana Constitution References

Montana Constitution References	Description
Article X, section 8	School District Trustees

Cross References

Cross References	Description
4315	Visitors and Spectator Conduct

Policy 4331: Use of School Property for Posting Notices

Status: ADOPTED

Original Adopted Date: 09/14/2021 | **Last Reviewed Date:** 09/14/2021

Non-school-related organizations or individuals that are not associated with student curricular clubs or student non-curricular groups may request permission of the building principal to display posters in the area reserved for community posters or to have flyers distributed to students. The building principal shall only authorize distribution or posting of information that is determined to have a direct benefit or relationship to students enrolled in the school and meets the standards of this policy.

Posters and/or flyers must be student oriented and have the sponsoring organization's name prominently displayed. The District will not permit the posting or distribution of any material that would:

- A. Disrupt the educational process;
- B. Violate the rights of others;
- C. Invade the privacy of others;
- D. Infringe on a copyright;
- E. Violate District policy, procedure, or administrative directive;
- F. Be obscene, vulgar, or indecent; or

Promote violence, discriminatory conduct, the use of drugs, alcohol, tobacco, or certain products that create community concerns.

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings.

If permission is granted to distribute materials, the organization must arrange to have copies delivered to the school. Distribution of the materials will be arranged by administration. Under no circumstances shall individuals not employed by the District be given access to the building for the purposes of posting notices or distributing information.

All student materials must be reviewed and approved by the Superintendent or designee in accordance with Policy #3222.

Cross References

3222

Description

[Distribution and Posting of Materials](#)

Policy 4332: Conduct on School Property

Status: ADOPTED

Original Adopted Date: 03/13/2012 | **Last Revised Date:** 02/24/2021 | **Last Reviewed Date:** 02/24/2021

In addition to prohibitions stated in other District policies, no person on school property or at school sponsored events on or off school property shall:

1. Injure or threaten to injure another person;
2. Damage another's property or that of the District;
3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
4. Smoke or otherwise use tobacco or nicotine products, including electronic cigarettes, and marijuana;
5. Consume, possess, or distribute alcoholic beverages, illegal drugs, including marijuana;
6. Possess firearms and other weapons inside any school building at any time;
7. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
8. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
9. Willfully violate other District rules and regulations.

"School property" means within school buildings, in vehicles used for school purposes, or on owned or leased school grounds unless otherwise noted in this policy. District administrators will take appropriate action, as circumstances warrant.

Montana Code Annotated References

16-11-302
16-12-108
20-1-206

Description

Definition of tobacco and vapor products
Limitations of Marijuana Regulation Act
Disturbance of school - penalty

Montana Code Annotated References

20-1-220

45-6-201

45-8-101

45-8-102

45-8-351

45-8-361

Description

Use of tobacco product in public school building or on public school property prohibited

Definition of enter or remain unlawfully

Disorderly conduct

Failure of disorderly person to disperse

Restriction on Local Government Regulation of Firearms

Possession of weapon in a school building

Montana Constitution References

Article X, section 8

Description

School District Trustees

United States Code References

20 U.S.C. § 6081

Description

Pro Children Act

Cross References

4301

4315

8225

8300

8301

8301-P(1)

8301-P(2)

8301-P(3)

8301-P(4)

8301-P(5)

Description[Visitors to School](#)[Visitors and Spectator Conduct](#)[Tobacco Free Policy](#)[Risk Management](#)[District Safety](#)[District Safety - ATF Bomb Threat Checklist](#)[District Safety - Bomb Threat History Form](#)[District Safety - Bomb Threat](#)[District Safety - Bomb Threat Procedures](#)[District Safety - Missing School Children](#)

Policy 4550: Registered Sex Offenders

Status: ADOPTED

Original Adopted Date: 11/12/2013 | **Last Reviewed Date:** 11/12/2013

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

Employment

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

School Off Limits

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

This policy shall not be construed to impose any duty upon any administrator or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on or within one thousand (1,000) feet of school property to ascertain whether they are on the Registry. This policy shall only apply when administrators are actually aware that the person in question is on the Sex Offender Registry and that the offender's victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within one thousand (1,000) feet of school property shall not apply in the event that a sex offender's name should be expunged from the Registry.

Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor, has a child attending the District, the administrator of the school where the child attends shall be authorized to modify this policies restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property, before or after dropping off his or her child, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the administrator of any school or any other employee of the District to review the Sex Offender Registry and the school system's directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if an administrator actually becomes aware that a parent of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender's child.

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the Superintendent for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

Montana Code Annotated References

20-3-324

Description

Powers and duties

Montana Code Annotated References

46-23-501

Description

Sexual or Violent Offender Registration Act

Montana Constitution References

Article X, section 8

Description

School District Trustees

PENDING

Policy 5000: Goals

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Revised Date:** 04/25/2007 | **Last Reviewed Date:** 04/25/2007

District staff is invaluable in creating an effective educational program and vibrant learning environment. Schools function most efficiently and successfully when highly qualified individuals are employed. Browning Public Schools, District No. 9, is committed to equal employment opportunity and equal treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. The Board of Trustees supports staff development on an on-going basis with an emphasis in creating in-district expertise related to leadership, instruction, and specialist professional development.

The Board expects supervision and evaluation of staff to be conducted in a positive and helpful manner, with the intent of improving staff performance. The Board looks to staff to promote a positive school climate in all educational endeavors, so students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein are intended to limit or prevent the legal rights of the Board of Trustees or its agents except as expressly stated. Further, all collective bargaining agreements are incorporated in Board policy by reference.

Should any provision of Board policy or administrative regulations or procedures be held to be illegal by a court of competent jurisdiction, all remaining policies shall continue in full force and effect.

Throughout these personnel policies, "Superintendent" shall mean the District Superintendent who may delegate certain function to members of the Management Team.

Policy 5002: Accommodating Individuals With Disabilities

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Revised Date:** 04/25/2007 | **Last Reviewed Date:** 04/25/2007

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. Where necessary, the District may provide to persons with disabilities separate or different aids, benefits, or services from, but as effective as, those provided to others.

The District will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities, which existed before January 26, 1992, will be accessible when viewed in their entirety.

The superintendent or his/her designee is directed to facilitate compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, and in that capacity, is directed to:

1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District's final Title II self-evaluation document and keep it available for public inspection.
2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the superintendent or his/her designee if they have a disability that will require special assistance, services or accommodations, and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

United States Code References

29 USC 701, et seq

42 USC 12101, et seq.

Description

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

Cross References

1700

5010

8425

Description

[Uniform Complaint Procedure](#)

[Equal Employment Opportunity, Nondiscrimination, and Sex Equity](#)

[Service Animals](#)

Policy 5010: Equal Employment Opportunity, Nondiscrimination, and Sex Equity

Status: ADOPTED

Original Adopted Date: 02/11/1997 | **Last Revised Date:** 08/14/2018 | **Last Reviewed Date:** 08/14/2018

School District No. 9 will provide equal employment opportunities to all persons regardless of sex, race, color, creed, religion, national origin, age, ancestry, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, sexual orientation or gender identity and expression, if otherwise able to perform essential functions of a job with reasonable accommodations, marital or parental status or political belief, 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. An individual should report his/her condition immediately following diagnosis or an indication the condition may require employment accommodations.

The District also prohibits any retaliation against any employee reporting any form of discrimination prohibited by law or other district policy, anyone assisting in reporting such a complaint or anyone cooperating in the investigation of any such complaint. Such retaliation is itself a violation of the law and may serve as the basis for a separate and independent complaint.

A person with an inquiry regarding discrimination should direct their questions to the Title IX Coordinator or the Superintendent of Schools. A person with a specific written complaint should follow the Uniform Complaint Procedure. In addition, individuals may pursue their complaints or inquiries with the Montana Human Rights Bureau, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights at the following phone number and addresses:

Montana Human Rights Bureau Equal Employment Opportunity Commission

P.O. Box 1728 (406) 444-2884 303 East 17th Avenue, Suite 510 (303) 866-1300

Helena, MT 59624-1728 Denver, CO 80203

Office of Public Instruction Office for Civil Rights, Seattle Office

P. O. Box 202501 (406) 444-4402 U. S. Department of Education (206) 220-7900

Helena, MT 59620-2501 915 Second Avenue, Room 330

Seattle, WA 98174-1099

FAX (06 220-7887

Montana Code Annotated References

49-2-303

Description

Discrimination in Employment

49-3-102

What local governmental units affected

49-3-201

Employment of state and local government personnel

Administrative Rules of Montana References

10.55.801

Description

School Climate

United States Code References

20 U.S.C. 1681, et seq.

Description

Title IX of the Education Amendments of 1972

29 U.S.C. 621

Age Discrimination in Employment Act

29 U.S.C.206(d)

Equal Pay Act

29 USC 701, et seq

Section 504 of the Rehabilitation Act

United States Code References

42 USC 12101, et seq.

42 USC 2000d et seq.

42 USC 2000e et seq.

Description

Title II of the Americans with Disabilities Act of 1990

Civil Rights Act, Title VI

Civil Rights Act, Title VII

Code of Federal Regulations References

34 CFR Part 106

Description

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

1700

5002

5012

5012-P(1)

5015

Description

[Uniform Complaint Procedure](#)

[Accommodating Individuals With Disabilities](#)

[Sexual Harassment of Employees](#)

[Sexual Harassment of Employees - Sexual Harassment Grievance Procedure - Employees](#)

[Bullying/Harassment/Intimidation](#)

PENDING

Policy 5012: Sexual Harassment of Employees

Status: ADOPTED

Original Adopted Date: 10/10/2000 | **Last Revised Date:** 02/23/2022 | **Last Reviewed Date:** 02/23/2022

The District will do everything in its power to provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating," "hostile," or "offensive" include but are not limited to conduct that has the effect of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.

A violation of this policy may result in disciplinary action, up to and including discharge. Any person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

The District also prohibits retaliation against any employee because he or she has made a report of alleged sexual harassment, or against any employee who has testified, assisted or participated in the investigation of a report. Retaliation is itself a violation of state and federal laws prohibiting discrimination and any individual who is determined to have engaged in prohibited retaliation will be subject to discipline.

It is the policy of this District to provide regular in-service education and training to its employees about sexual harassment and intimidation, as defined and otherwise prohibited by state and federal law.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.801	School Climate

United States Code References

	Description
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

Code of Federal Regulations References

	Description
34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

	Description
5010	Equal Employment Opportunity, Nondiscrimination, and Sex Equity

Cross References

5015

5232

5232-NF(1)

Description

[Bullying/Harassment/Intimidation](#)

[Abused and Neglected Child Reporting](#)

[Abused and Neglected Child Reporting - Child Abuse Reporting Form](#)

PENDING

**Procedure 5012-P(1): Sexual Harassment of Employees - Sexual Harassment Grievance
Procedure - Employees**

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Revised Date:** 02/23/2012 | **Last Reviewed Date:** 04/13/2021

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

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

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

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

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

District Requirements

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

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

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

Timelines

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

Response to a Formal Complaint

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

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. The District may also remove a student Respondent alleged to have harassed an employee Complainant from the education setting. The student may receive instruction in an offsite capacity during the period of removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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

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

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations

must be provided to known parties.

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

Investigation of a Formal Complaint

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

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

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

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

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

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

Evidence Review

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

Investigative Report

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

Decision-Maker's Determination

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

responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

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

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

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

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

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not

filed, the date on which an appeal would no longer be considered timely.

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

Appeals

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

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

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

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date

of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

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

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

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

Recordkeeping

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

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

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

Administrative Rules of Montana References

10.55.701

10.55.801

Description

Board of Trustees

School Climate

United States Code References

20 U.S.C. 1681, et seq.

42 USC 2000d et seq.

42 USC 2000e et seq.

Description

Title IX of the Education Amendments of 1972

Civil Rights Act, Title VI

Civil Rights Act, Title VII

Code of Federal Regulations References

34 CFR Part 106

Description

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Cross References

5010

5015

5232

5232-NF(1)

Description[Equal Employment Opportunity, Nondiscrimination, and Sex Equity](#)[Bullying/Harassment/Intimidation](#)[Abused and Neglected Child Reporting](#)[Abused and Neglected Child Reporting - Child Abuse Reporting Form](#)

Policy 5015: Bullying/Harassment/Intimidation

Status: ADOPTED

Original Adopted Date: 05/30/2007 | **Last Revised Date:** 02/23/2022 | **Last Reviewed Date:** 02/23/2022

The Board will strive to provide a positive and productive working environment. Bullying, harassment, intimidation, between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.
3. “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, or on school-provided transportation or anywhere such 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 that has the effect of:
 1. Physically harming an employee or damaging an employee’s property;
 2. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
 3. Creating a hostile working environment.
4. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

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

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

Responsibilities

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

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

Consequences

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.

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
10.55.801	School Climate

Cross References

	Description
5010	Equal Employment Opportunity, Nondiscrimination, and Sex Equity
5012	Sexual Harassment of Employees
5012-P(1)	Sexual Harassment of Employees - Sexual Harassment Grievance Procedure - Employees

PENDING

Policy 5120: Hiring Process and Criteria

Status: ADOPTED

Original Adopted Date: 04/10/2001 | **Last Revised Date:** 06/09/2020 | **Last Reviewed Date:** 06/09/2020

Goals

The goals of the Board of Trustees of School District No. 9 for its employment policy include the following:

1. Secure highly competent staff;
 2. Provide strategies and procedures that ensure an equitable and efficient employment process, address personnel recruitment, screening and selection of candidates; and
1. Base selection of candidates on their job-related competencies and qualifications to fulfill the job responsibilities and without regard to their race, color, sex, religion, national origin, or any other illegal basis for discrimination

Administration

The superintendent or his or her designee is responsible for recruiting personnel, in compliance with Board policy, but the superintendent will make hiring recommendations to the Board. The District shall hire the most qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy and state law requiring equal employment opportunities and veterans' preferences.

All applicants must complete a District application form in order to be considered for employment. Incomplete applications will be rejected. Completed applications will be secured as confidential information by the superintendent or his or her designee.

Every applicant must complete an authorization for fingerprint background check form authorizing the District to complete 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.

Notwithstanding the foregoing, recruitment and selection for the position of District Superintendent will be determined by the Board of Trustees and all applications and related information will be kept confidential except to the Board as it determines appropriate.

Certification

The District requires its contracted, certified staff, to hold a 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 his or her 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.

Preferences

1. Veterans' Preference - State law requires employers using a scored procedure to add a factor for qualifying veterans who claim the preference in accordance with § 39-29-101 et seq., MCA. These points will be added on both the Application Scoring Worksheet and the Interview Scoring Summary Worksheet.
2. Employee Preference - Scoring may be weighted to allow more points for employees who have completed staff development activities that extend employee competencies and such development training is helpful and relevant to the position advertised.
3. Extracurricular - For those extracurricular positions in which the applicants are similarly qualified, the following preferences apply:
 - A. Coaches and sponsors, who were successful in the same extracurricular position with the District in the previous school year, will have preference over all other applicants and, may be recommended by the superintendent for hiring.
 - i. Past success in the position will be determined by the superintendent or his or her designee based on performance in the position.
 - ii. Such experience must be consecutive from year to year and in the same activity or sport to be a preference.
4. Other Preferences - Scoring may be weighted to allow more points for qualifications exceeding minimums required for the position such as education, experience, working in schools, etc.

Career Fairs

The superintendent or his or her designee may organize a career fair team to attend career or job fairs and recommend related travel to the Board of Trustees for approval. The superintendent may designate an administrator as his or her designee for purposes of acting as team leader and extending a letter of intent of recommendation for employment, in writing, to teachers and specialists being recruited. The team will evaluate applications, screen applicants, conduct interviews, check references, and determine those finalists to be offered employment with the District. Immediately upon returning from the career fair, the team leader will submit, in good form, all documents and materials, including completed application forms to the superintendent or his or her designee.

Selection

The final candidate for a vacant position will be selected following a competitive selection process, which is free of bias and special interests, and from as large a pool of applicants as may be reasonably obtained. Browning Public Schools does not permit any person related within the fourth degree by marriage to participate in the selection process (screening and interviewing) for any position.

Testing: Testing may be used to determine the applicant's suitability for a position. Such tests will be relevant to the position and conducted uniformly in a fair and impartial manner with results kept confidential. Testing results will be provided to the interview committee for consideration.

Scoring: Scoring documents will be reasonably accurate to position requirements and in measuring the applicant's suitability for the position. Such documents shall be reviewed periodically by supervisors and employees in those positions for updating.

Selection Committees

Those who screen applicants and interview finalists may be District employees, a community member, a board member selected by the superintendent or designee. In general, the interview committee will be chaired by the supervisor of the position and shall include other staff from the same building or department and at least one administrator or similarly assigned staff member from another building or department.

Those who screen or interview will be as objective as possible, shall have not made any preconceived judgments, and shall not be related to any applicant being considered.

Those who screen applications generally will not serve on interview committees except under unusual circumstances or during periods of staff shortages.

Selection Process

1. Interview committees are to exercise their best judgment in evaluating and scoring finalists. Scores serve as a guide in determining each interviewer's choice, but final selections are subject to the deliberations and consensus of the committee. Significant disparities between scores and selection are to be documented by the committee at the conclusion of its deliberations.
2. The interview committee is to select one finalist to be recommended to the superintendent for hiring. The interview committee may designate up to two alternates in the order decided. The interview committee may conclude that none of the finalists is acceptable and continue to interview other applicants or postpone interviews in order to recruit a wider pool of applicants.
3. Interviews will be open to the public in compliance with the Montana Open Meeting Law § 2-3-201 et seq., MCA.
4. All information, written and verbal, is confidential and is not to be divulged to others except the superintendent

or his or her designee. An unsuccessful applicant may request results of his or her rating with respect to other applicants. Within five (5) business days of such request, the superintendent or his or her designee will provide the applicant with a list in which (a) all names, excepting his or hers, will be omitted and (b) individual total scores are shown. No list will be produced however if the number of applicants is fewer than three.

Exceptions: The competitive selection process may be unnecessary in the following circumstances:

- A. Coaches and sponsors having preference as provided under the above section, Preferences, paragraph 3(A).
- B. Only one applicant is qualified and meets eligibility requirements and further recruiting is impractical.
- C. The applicant is part of a general pool of temporary workers including substitutes from which supervisors may select and employ as needed.

The superintendent is directed to establish and implement procedures to carry out this policy.

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Form 5120-F(1): Hiring Process and Criteria - Authorization.Fingerprinting

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

5122F AUTHORIZATION FOR FINGERPRINT BACKGROUND CHECK

TO WHOM IT MAY CONCERN:

I, _____, am seeking employment and/or approval to be selected as an employee or volunteer with Browning School District #9 (the District). I hereby expressly authorize the 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 charged, 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 charged, 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 the completion of the fingerprint background check. * *Adjudication – A passing of judgment of a court of law or 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 the provisions of Title 44, Chapter 5, Part 3, MCA.

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 notary seal the day and year in this certificate first above written.

[name]

(S E A L)

NOTARY PUBLIC for the State of Montana

Residing at _____, Montana

My commission expires: _____

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Procedure 5120-P(1): Hiring Process and Criteria - Fingerprint Background Handling Procedure

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Federal Background Check Fingerprint and Information Handling Procedure

1. Who needs to be fingerprinted: All individuals 18 years of age or older to be volunteers or recommended for hire by the School District need to be fingerprinted under the National Child Protection Act and Volunteers for Children's Act (NCPA/VCA).
2. The School District will obtain a signed waiver from all applicants and provide written communication of Applicant Rights and Consent to Fingerprint Form at 5122F. Applicants shall also be provided the Applicant Privacy statement at F. The Applicant Rights and Consent to Fingerprint Form will be kept on file for 5 years or for the length of employment, whichever is longer. The form will be filed in the employees Personnel File.

Basis to Collect and Submit Fingerprints for Purposes of Federal Background Check

Ink fingerprints are captured in house by agency personnel that have completed and passed the certification course provided by CRISS. All applicants must provide a current government issued photo identification at the time of fingerprinting for identification verification. Two ink fingerprint cards are captured for each applicant and all data fields are completed and checked for accuracy. Complete fingerprint cards are then mailed to DOJ/CRISS along with payment.

A spreadsheet of those fingerprinted is kept by the School District to identify the individual, position being hired for, date of fingerprint, date print received and date print billed.

The School District staff that have received training by CRISS will process the fingerprints and send them to the DOJ.

LASO

The Human Resources Director has been appointed as the Local Agency Security Officer and acts as the primary point of contact between the School District and CRISS. The Human Resources Director is responsible for ensuring CJIS Policy compliance by all authorized recipients within the School District LASO is also responsible of any Privacy and Security Agreements with those who do not use CHRI on a regular basis. Any change in appointment of the LASO or other authorized personnel will be reported to CRISS immediately.

Access of CHRI

All background results are received by the Human Resources Secretary through the State File Transfer Service. Results are printed and stored in a locked filing cabinet in the business office until a determination for employment is made. Only authorized personnel that have undergone Privacy and Security Information have access to printed criminal history record information. Authorized recipients of CHRI include the Superintendent and Human Resources Director.

Printed background checks are reviewed by the Human Resources Director and a determination form is completed. If any adverse results are present on the background check, it is given to the Superintendent, and Principal for final determination of eligibility. The Human Resource department utilizes a determination form and the CHRI is then shredded.

Determination Procedures

Personnel staff that have been trained by CRISS and granted access to criminal history record information will receive the background results through their Montana State File Transfer account.

- a. Results are reviewed for determination of eligibility to hire.
- b. Any adverse reports are presented to the appropriate administrator for final approval.
- c. Determination is noted on a determination form and kept in a locked file cabinet.

Retention and Storage Procedure (Note: If the School District seeks to store electronically you must contact DOJ's IT department.)

All criminal history record information is stored in a locked filing cabinet within the business office. Only authorized personnel, Superintendent, Principal, and the Business Manager as noted in this policy have access to this information. Only authorized personnel are present during the determination process when the criminal record is being reviewed.

Printed background checks are stored until a final determination for employment has been made, two weeks or less. A determination form is then completed and CHRI is then destroyed in accordance with the Destruction Procedure outlined in this document.

Dissemination Logs are maintained for a period of 3 years from the date of dissemination or between audits, and the Applicant Rights and Consent to Fingerprint form is maintained for at least five years or the length of employment, whichever is longer.

Dissemination Procedure

The School District does not disseminate criminal history record information with any other agency. A copy of our determination form can be provided to outside agencies upon request.

Destruction Procedure

At the end of the retention and storage period outlined in this document, all CHRI and related information is shredded in house by (authorized personnel name).

Applicant procedures for challenging or correcting their record

All applicants are given the opportunity to challenge or complete their record before a final determination is made.

Applicants wishing to challenge their record are advised how to obtain a copy of their background report.

The applicant is then given 10 days to contact the state or agency in which the record was created to make corrections. After the allotted time, the applicant must then provide the School District with a copy of the corrected background report provided by and notarized by the State Identification Bureau. The fee associated for a copy of the state record provided by the State Identification Bureau will be the responsibility of the applicant.

Policy and procedures for misuse of CHRI

The School District does not allow dissemination of CHRI to persons or agencies that are not directly involved in the hiring and determination process. If CHRI is disseminated outside of the authorized receiving department, (agency LASO) will report this to CRISS immediately and provide CRISS with an incident response form. The incident response form will include the nature of the incident, any internal reprimands that may have resulted from the incident, as well as our agencies plan to ensure that this incident does not get repeated.

Training Procedure

- Local Agency Security Officer (LASO)
 - Signed user agreement between district and CRISS
- Privacy and Security Training
 - CRISS training on CHRI required to receive background reports

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Form 5120-F(2): Hiring Process and Criteria - Criminal History Dissemination Log

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Procedure 5120-P(2): Hiring Process and Criteria - Qualifications of Certified Staff

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Browning School District is committed to hiring qualified teachers, creating professional development opportunities and requiring professional development that results in teachers and all staff having skills that address the needs of the students served by Browning Public Schools. All teachers will be certified by the State of Montana to teach in the area assigned. Employees will be hired on merit, without preference to age, sex, residence or relationship to other employees of Browning Public Schools, District #9. Preference will be given to those candidates whose qualifications will assist the school district in providing a sound academic program based on strong instructional practices. The Superintendent of Browning Schools will make staff assignments.

Browning School District #9 staff development requirements for all certified staff include training in Prevention and Positive School Climate Strategies, Blackfeet Studies, Bully Prevention programs, and Writing Assessment/Process Training.

Bully Prevention Training: Before any teacher is offered his/her second (2nd) teaching contract in School District #9, he/she must have documented 8 hours of district in-service. Proof of completion must be provided to the superintendent by March 1st, prior to the second contractual year or the teacher will be recommended for non-renewal. Training will be offered at a minimum prior to school in the fall and once during the school year.

Blackfeet Language/Studies: Before any teacher is offered his/her fourth (4th) teaching contract in the District, he/she must have earned a minimum of six (6) quarter credits (four (4) semester hours) have equivalent CEU's or have completed a program of (90) in-service hours in the area of Indian Studies, or a combination of the two, or have completed a program in this area which meets the approval of the District. Proof of completion of this requirement must be provided to the superintendent by April 1st of the third (3rd) contract year. If this is not done, the teacher will be recommended for non-renewal.

Historical Trauma/Trauma Informed, Youth Mental Health First Aid: Beginning with the 2020-2021 school year, before any new teacher is offered his/her fourth teaching contract in School District #9, he/she must have documented 6 hours of training in Historical Trauma/Trauma Informed, Youth Mental Health First Aid. Certified staff already in the district will have until June 2021 to complete the requirement. The district will develop a six-hour curriculum and offer the training at least 3 times per year. Proof of completion must be provided to Superintendent/designee by April 1 of each contract year.

A provisionally certified teacher shall have obtained a standard teaching certificate by March 1st of the third contract year prior to the offering of a fourth-year teaching contract.

Montana Code Annotated References

Montana Code Annotated References	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

United States Code References	Description
Public Law 105-251	Volunteers for Children Act

Cross References

Cross References	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization

Cross References

1512

1521

5122

5122-F(1)

5122-F(2)

Description[Conflict of Interest](#)[Board/Superintendent Relationship](#)[Fingerprints and Criminal Background Investigations](#)[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)

PENDING

Form 5120-F(3): Hiring Process and Criteria - Determination Form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

School District Name

District Contact
District Contact Position

Address Line #1
Address Line #2
City, State, Zip Code

Determination of Eligibility for Hire – Policy Form 5120F

(DATE)

RE: [NAME OF APPLICANT]

In regards to the determination of eligibility for hire/licensure; based on the minimum criteria as specified in the ____ School District Applicant Background Check Procedure, the individual listed below:

Name

Date of Birth

- Meets eligibility criteria**
- Does NOT meet eligibility criteria**

Please contact ____ School District with any questions regarding this determination or to be provided with a copy of the ____ School District Applicant Background Check Procedure.

Determination Completed By:

Signature

Printed Name

Title

Date

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Form 5120-F(4): Hiring Process and Criteria - Letter of Intent

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

Browning Public Schools

Policy #

Policy Name: *Letter of Intent*

Regulation: **5120R**

Dear _____,

This letter of intent pertains to your recommendation as a teacher with Browning Public Schools.

This offer of employment shall be contingent upon the results of a fingerprint background check, which must be acceptable to the district. This report can be conducted through our Human Resource Department. The fingerprint background check is waived for newly hired personnel who are able to provide documentation of a Montana fingerprint criminal background check. This check must have been performed within one year of application for employment.

Fingerprints can be administered by Browning Public Schools.

The Board of Trustees must approve this recommendation for employment. Until such time as a formal agreement can be issued, please consider this your notice of our intention to employ you for a teaching position.

Welcome aboard,

Sincerely,

	New Employee Signature
	Date

Policy History:

Adopted on: 3/26/14

Amended on: 2/26/20

Reviewed: 2/11/20

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Form 5120-F(5): Hiring Process and Criteria - Privacy Act Statement

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

Privacy Act Statement - Policy 5120F

This privacy act statement is located on the back of the [FD-258 fingerprint card](#).

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/1/2021

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1512	Conflict of Interest
1521	Board/Superintendent Relationship
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting

Policy 5121: Applicability of Personnel Policies and Professional Development

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Revised Date:** 05/30/2007 | **Last Reviewed Date:** 05/30/2007

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District and is applicable to the following:

1. Employed staff including temporary, substitute and student workers
2. Job applicants
3. Individuals authorized by the District to work with children including:
 - A. Independent contractors and their employees
 - B. Volunteers and chaperones
 - C. Personnel of other agencies or organizations
 - D. Student teachers and interns

Personnel policies will be applied and carried out without discrimination and in a reasonably uniform manner. These policies extend to all operations and activities of the District within or without its designated school district boundaries, as applicable.

However, where there is a conflict between terms of a collective bargaining agreement and District policy, the law provides that the terms of the collective bargaining agreement shall prevail for staff covered by that agreement.

Board policies will govern when a matter is not specifically provided for in an applicable collective bargaining agreement.

Nothing contained in the policies or procedures included herein, is intended to limit or prevent the legal rights of the Board of Trustees or its agents. Further, all collective bargaining agreements are incorporated in Board policy by reference.

Should any provision of Board policy, administrative regulation or procedure be held to be illegal by a court of competent jurisdiction, all remaining policies shall continue in full force and effect.

Throughout these personnel policies, "Superintendent" shall mean the District Superintendent who may delegate certain functions to members of the Management Team.

Administrative Rules of Montana References

Description

- | | |
|-----------|----------------------------------|
| 10.55.701 | Board of Trustees |
| 10.55.714 | Professional Development |
| 10.55.723 | Integrated Strategic Action Plan |

United States Code References

Description

- | | |
|-----------|--------------------------------------------|
| 39-31-102 | Chapter not limit on legislative authority |
|-----------|--------------------------------------------|

Cross References

Description

- | | |
|-----------|----------------------------------------------------------------------------|
| 1000 | Legal Status, Operation and Organization |
| 1000-P(1) | Legal Status, Operation and Organization |
| 1310 | District Policy and Procedures |
| 1310-P(1) | District Policy and Procedures - Handbook Policy |
| 1310-P(2) | District Policy and Procedures - Administrative Regulation |

Cross References

1310-P(3)

1310-P(4)

1310-P(5)

1610

Description

[District Policy and Procedures - Administrative Regulation copy](#)

[District Policy and Procedures - Administration in Absence of Policy](#)

[District Policy and Procedures - Handbooks and Manuals](#)

[Goals and Objectives](#)

PENDING

Policy 5122: Fingerprints and Criminal Background Investigations

Status: ADOPTED

Original Adopted Date: 04/13/2004 | **Last Reviewed Date:** 04/13/2004

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration of the recommendation for employment or appointment by the Board. The results of the name-based check shall be presented to the Board concurrent with the recommendation for employment or appointment. Any subsequent offer of employment or appointment shall be contingent upon results of the fingerprint criminal background check, which must be acceptable to the Board, in its sole discretion.

All applicants for employment, as a condition for employment, and volunteers assigned within the District who has REGULAR unsupervised access to students shall be required as a condition of any offer of employment, or engagement, to authorize in writing a fingerprint criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent who shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Montana Code Annotated References

Montana Code Annotated References	Description
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.55.716	Substitute Teachers

United States Code References

United States Code References	Description
Public Law 105-251	Volunteers for Children Act

Cross References

Cross References	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1521	Board/Superintendent Relationship
5120	Hiring Process and Criteria
5120-F(1)	Hiring Process and Criteria - Authorization.Fingerprinting
5120-P(1)	Hiring Process and Criteria - Fingerprint Background Handling Procedure
5120-P(2)	Hiring Process and Criteria - Qualifications of Certified Staff
5120-F(2)	Hiring Process and Criteria - Criminal History Dissemination Log
5120-F(3)	Hiring Process and Criteria - Determination Form
5120-F(4)	Hiring Process and Criteria - Letter of Intent
5120-F(5)	Hiring Process and Criteria - Privacy Act Statement
5430	Volunteers

Cross References

8300

8301

8301-P(1)

8301-P(2)

8301-P(3)

8301-P(4)

8301-P(5)

Description

[Risk Management](#)

[District Safety](#)

[District Safety - ATF Bomb Threat Checklist](#)

[District Safety - Bomb Threat History Form](#)

[District Safety - Bomb Threat](#)

[District Safety - Bomb Threat Procedures](#)

[District Safety - Missing School Children](#)

PENDING

Form 5122-F(1): Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

Applicant Rights and Consent to Fingerprint – Policy 5122F

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ by _____ that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.
- If you have a criminal history record, the officials making a determination of your suitability for employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.²

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency.

If a change, correction, or update needs to be made to a Montana criminal history record, or if you need additional information or assistance, please contact Montana Criminal Records and Identification Services at DOJCRISS@mt.gov or 406-444-3625.

Your signature below acknowledges this agency has informed you of your privacy rights for fingerprint-based background check requests used by the agency.

Signed:

Name Date

¹ Written notification includes electronic notification but excludes oral notification.

² See 28 CFR 50.12(b).

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Board Adopted 5/11/21

NCPA/VCA Applicants

To _____:

You have applied for employment with, will be working in a volunteer position with, or will be providing vendor or contractor services to (write in Agency or Entity name) _____ for the position of (please be specific) _____.

The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the Volunteers for Children Act(VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification Technology Act of 1998), codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a state and national criminal history background check to determine the fitness of an employee, or volunteer, or a person with unsupervised access to children, the elderly, or individuals with disabilities.

1. Provide your name, address, and date of birth, as appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(D)(2).
2. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must describe the crime and the particulars of the conviction, if any.
3. Prior to the completion of the background check, the entity may choose to deny you unsupervised access to a person to whom the entity provides care.

The entity shall access and review State and Federal criminal history records and shall make reasonable efforts to make a determination whether you have been convicted of, or are under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the qualified entity. The entity shall make reasonable efforts to respond to the inquiry within 15 business days.

Your Name: _____
First Middle Maiden Last

Date of Birth: _____

Address: _____

City State Zip

I have been convicted of, or am under pending indictment for, the following crimes [include the dates, location/jurisdiction, circumstances and outcome]:

I have not been convicted of, nor am I under pending indictment for, any crimes

I authorize Montana Department of Justice, Criminal Records and Identification Services Section to disseminate criminal history record information to _____.

Signature of Applicant

Date

Board Adopted 5/11/21

Montana Code Annotated References

	Description
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

Administrative Rules of Montana References

	Description
10.55.716	Substitute Teachers

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1521	Board/Superintendent Relationship
5120	Hiring Process and Criteria
5120-F(1)	Hiring Process and Criteria - Authorization.Fingerprinting
5120-P(1)	Hiring Process and Criteria - Fingerprint Background Handling Procedure
5120-P(2)	Hiring Process and Criteria - Qualifications of Certified Staff
5120-F(2)	Hiring Process and Criteria - Criminal History Dissemination Log
5120-F(3)	Hiring Process and Criteria - Determination Form
5120-F(4)	Hiring Process and Criteria - Letter of Intent
5120-F(5)	Hiring Process and Criteria - Privacy Act Statement
5430	Volunteers
8300	Risk Management
8301	District Safety
8301-P(1)	District Safety - ATF Bomb Threat Checklist
8301-P(2)	District Safety - Bomb Threat History Form
8301-P(3)	District Safety - Bomb Threat
8301-P(4)	District Safety - Bomb Threat Procedures
8301-P(5)	District Safety - Missing School Children

**Form 5122-F(2): Fingerprints and Criminal Background Investigations -
Authorization.Fingerprinting**

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

See PDF on the next page.

PENDING

5122F AUTHORIZATION FOR FINGERPRINT BACKGROUND CHECK

TO WHOM IT MAY CONCERN:

I, _____, am seeking employment and/or approval to be selected as an employee or volunteer with Browning School District #9 (the District). I hereby expressly authorize the 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 charged, 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 charged, 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 the completion of the fingerprint background check. * *Adjudication – A passing of judgment of a court of law or 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 the provisions of Title 44, Chapter 5, Part 3, MCA.

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 notary seal the day and year in this certificate first above written.

[name]

(S E A L)

NOTARY PUBLIC for the State of Montana

Residing at _____, Montana

My commission expires: _____

Montana Code Annotated References

	Description
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

Administrative Rules of Montana References

	Description
10.55.716	Substitute Teachers

United States Code References

	Description
Public Law 105-251	Volunteers for Children Act

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1521	Board/Superintendent Relationship
5120	Hiring Process and Criteria
5120-F(1)	Hiring Process and Criteria - Authorization.Fingerprinting
5120-P(1)	Hiring Process and Criteria - Fingerprint Background Handling Procedure
5120-P(2)	Hiring Process and Criteria - Qualifications of Certified Staff
5120-F(2)	Hiring Process and Criteria - Criminal History Dissemination Log
5120-F(3)	Hiring Process and Criteria - Determination Form
5120-F(4)	Hiring Process and Criteria - Letter of Intent
5120-F(5)	Hiring Process and Criteria - Privacy Act Statement
5430	Volunteers
8300	Risk Management
8301	District Safety
8301-P(1)	District Safety - ATF Bomb Threat Checklist
8301-P(2)	District Safety - Bomb Threat History Form
8301-P(3)	District Safety - Bomb Threat
8301-P(4)	District Safety - Bomb Threat Procedures
8301-P(5)	District Safety - Missing School Children

Policy 5130: Staff Health

Status: ADOPTED

Original Adopted Date: 04/10/2001 | **Last Revised Date:** 05/30/2007 | **Last Reviewed Date:** 05/30/2007

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board of Trustees of School District No. 9 shall promote the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain optimum health through the practice of good health habits.

Under the circumstances defined below, the Board may require physical examinations of its employees. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by federal or state rules and regulations. The District may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by the superintendent or his or her designee, a thirty-(30)-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

All bus drivers, including full-time, regular part-time or temporary part-time drivers, are required by state law to have a satisfactory medical examination prior to employment.

Communicable Diseases

If a staff person has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school nurse, the person's supervisor or the superintendent or his or her designee that he or she has a communicable disease which could be life threatening to an immune compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The District reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

Confidentiality

In all instances, District personnel shall respect the 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 shall be collected and maintained on separate forms and in separate medical files and 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 work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

The superintendent is directed to establish and implement procedures to carry out this policy.

Montana Code Annotated References

20-10-103

Description

School bus driver qualifications

Montana Code Annotated References

49-2-303

Description

Discrimination in Employment

Administrative Rules of Montana References

37.111.825

Description

Health Supervision and Maintenance

United States Code References

29 USC 701, et seq

Description

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

Cross References

5230

Description

[Prevention of Disease Transmission](#)

5230-P(1)

[Prevention of Disease Transmission - Bloodborne Pathogens Exposure Control](#)

5230-P(2)

[Prevention of Disease Transmission - Bloodborne Pathogens](#)

8303

[Cleaning and Disinfecting](#)

PENDING

Policy 5140: Classified Employment and Assignment

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Revised Date:** 03/26/2014 | **Last Reviewed Date:** 03/26/2014

All non-certified personnel are employed to provide services which directly or indirectly benefit the students of the Browning School District. Non-certified personnel will only be hired upon recommendation of the Superintendent. The Classified Labor Agreement governs such employment.

Procedures

The District shall adopt hiring procedures consisting of the following components:

- a. Application Instrument
- b. Screening Instrument
- c. Interviewing Procedure
- d. Recommendation to the Board of Trustees for hire by the Superintendent

Advertising

School District No. 9 will advertise in the local newspaper any position requiring non-certificate personnel, except in-house vacancies as per contract.

Contractual Status

All non-certified personnel are hired for the length of position which they are to fill. The District reserves the right to terminate the employment of the employee. Non-certified personnel are employed to facilitate the educational program; their function is essential for the proper operation of the school.

Duties and Responsibilities

The duties and responsibilities for each person will be determined by job descriptions and position announcements.

The Superintendent reserves the right to change employment conditions affecting an employee's duties, assignment, supervisor, or grade, with notification to the Board of Trustees.

The Board will determine salary and wages for non-certified staff.

Montana Code Annotated References

Description

39-2-903	Definitions
39-2-904	Elements of wrongful discharge – presumptive probationary period
39-2-912	Exemptions

Policy 5210: Assignments, Reassignments, Transfers

Status: ADOPTED

Original Adopted Date: 04/10/2001 | **Last Revised Date:** 05/30/2007 | **Last Reviewed Date:** 05/30/2007

Position Creation

A position is created by the recommendation of the Superintendent for action of the Board of Trustees.

Change in Position

The duration or term and full-time equivalent (FTE) of an existing position may be changed by action of the Board of Trustees.

Any changes in the position and job description of the Superintendent of Schools will be promulgated and approved by the Board of Trustees.

Except for the above, all other changes in positions and related job descriptions may be made by the superintendent.

Eliminating a Position

A position may be eliminated by recommendation of the Superintendent for action of the Board of Trustees.

A position that remains vacant for one full fiscal year, July 1-June 30, will end on July 1 of the next fiscal year unless it is posted on that date.

Transfer

If the superintendent decides to fill a position by transfer including to a newly created position, the superintendent will provide written notice to the employee being transferred including the effective date of the transfer.

Notwithstanding the above, the superintendent will comply with any requirement in an existing collective bargaining agreement for posting newly created positions.

The superintendent will inform the Board of Trustees, at the next regular scheduled meeting of the Board, following written notice of transfer/s.

Assignment

A new employee will be assigned by the superintendent to report to a supervisor (or supervisors, if more than one).

The supervisor(s) will complete all other aspects of the assignment for a new employee including orientation and training.

The manner means starting and ending times for performing duties and responsibilities of the assignment must be changed by the employee's supervisor(s).

The superintendent is directed to establish and implement procedures to carry out this policy.

Montana Code Annotated References

20-4-402

39-31-303

Title 39, Chapter 31

Description

Duties of district superintendent or county high school principal

Management rights of public employers

Collective bargaining for public employees

Montana Supreme Court References

2008 MT 9

Description

Bonner School District No. 14 v. Bonner Education Association, MEA- MFT, NEA, AFT, AFL-CIO

Policy 5213: Vacancies

Status: ADOPTED

Original Adopted Date: 04/10/2001 | **Last Revised Date:** 05/30/2007 | **Last Reviewed Date:** 05/30/2007

When the District determines that a vacancy exists, the Superintendent shall have the discretion whether or not to fill the position, if it is to be filled, and the timing for doing so.

A position vacancy is created by termination of employment of the employee holding an existing position, either voluntarily or involuntarily, and a decision by the superintendent to post the position rather than fill it by internal transfer or leave it vacant.

Vacancies will be posted in accordance with collective bargaining agreements.

Montana Code Annotated References

Title 39, Chapter 31

Description

Collective bargaining for public employees

PENDING

Policy 5221: Work Day

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Revised Date:** 09/08/2020 | **Last Reviewed Date:** 09/08/2020

Certified

Instructional staff will be on duty a minimum period of 180 pupil instructional days and seven (7) pupil instruction related days exclusive of holidays and vacations. A specific time schedule will be provided to the teaching staff during the preschool orientation sessions.

Length of the workday for certified employees is specified in the Master Contract between Browning Public Schools and the Browning Federation of Teachers. The work day is generally exclusive of lunch and extracurricular assignments but inclusive of preparation time and assigned duties.

Classified

The length of a classified work day is governed by the number of hours for which the employee is contracted. A "full-time" employee shall be considered to be an 8-hour per day/40-hour per week employee. The work day is exclusive of lunch (or dinner) but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor.

Breaks

A daily morning and afternoon rest period of fifteen (15) minutes may be available to all full-time, classified employees. Hourly personnel may take one fifteen (15) minute rest period for each four (4) hours that are worked in a day. Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee's supervisor.

Montana Code Annotated References

	Description
39-3-405	Overtime compensation
39-4-107	State and municipal governments, and school districts
Title 39, Chapter 31	Collective bargaining for public employees

Administrative Rules of Montana References

	Description
10.65.103(2)	Program of Approved Pupil Instruction-Related Days
24.16.1006	Rest and Meal Periods

United States Code References

	Description
29 U.S.C. §201 et seq	Fair Labor Standards Act

Code of Federal Regulations References

	Description
29 C.F.R. Part 516, et seq.	Records to be kept by employers

Policy 5222: Evaluation of Staff

Status: ADOPTED

Original Adopted Date: 06/27/2007 | **Last Reviewed Date:** 06/27/2007

Each Certified and Classified staff member's job performance will be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled annual evaluations using forms applicable to the job classification and description, and day-to-day appraisals. Certified and Classified staff members will be evaluated according to the terms stated in the current collective bargaining agreement.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the Superintendent. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Policy History

Adopted on: 6/27/07

Revised on:

Reviewed: 8/26/20

Montana Code Annotated References

Title 39, Chapter 31

Description

Collective bargaining for public employees

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

PENDING

Policy 5223: Personal Conduct

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Revised Date:** 02/24/2021 | **Last Reviewed Date:** 02/24/2021

Employees of the District are expected to maintain high standards of honesty, integrity and impartiality in the conduct of District business. Teachers must also abide by all duties specifically set forth in § 20-4-301, MCA.

1. Conflict of Interest/Personal Gain: In accordance with Montana Codes Annotated (M.C.A.) 2-2-104, 2-2-105, and 2-2-125, an employee shall not dispense or utilize any information gained from employment with the Browning Public Schools or participate in business enterprises or employment which creates a conflict of interest with the faithful and impartial discharge of his or her District duties. A District employee may, prior to acting in a manner which may impinge on his/her fiduciary duty, disclose the nature of his/her private interest which creates a conflict. Care should be taken to avoid using, or avoid the appearance of using, official positions and confidential information for personal advantage or gain.

Employees shall not accept gifts or benefits from vendors, contractors or others who do business with the District. The single exception is promotional products or materials having little or no value.

2. Confidentiality: Employees will not disclose and will protect any privileged or confidential information deemed to be not for public consumption as determined by state law and school policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Discretion should be employed even within the school system's own network of communication.

3. Public Relations: Employees shall be courteous, considerate, and prompt in dealing with and serving students and public, and shall maintain good working relationships with supervisors and co-workers.

4. General Conduct: Employees shall honor all policies and laws governing their employment with the District. Certified staff shall honor the professional educators code of conduct. The Superintendent shall ensure that specific rules and regulations governing employees' conduct on the job are established. All employees are expected to maintain high standards of honesty, integrity, professionalism, decorum, and impartiality in the conduct of District business. All employees shall maintain appropriate employee-student relationship boundaries in all respects, including but not limited to personal, speech, print, and digital communications. Failure to honor the appropriate employee student relationship boundary will result in a report to the Department of Public Health and Human Services and the appropriate law enforcement agency.

1. Violence and Weapons: While on school property, employees shall not injure or threaten to injure another person; damage another's property or that of the District. While in a school building, employees shall not use, control, possess or transfer any weapon or any item that could be reasonably considered to be a weapon as defined in Policies 3310 & 3311. "School property" means within school buildings, in vehicles used for school purposes, or on grounds leased or owned by the school district. "School building" means all buildings owned or leased by a local school district that are used for instruction or for student activities.

6. Mode of Dress: The Superintendent shall ensure that professionally and functionally appropriate standards of appearance are established.

7. Personal Visitors: Employees are to discourage personal visitors during work. An employee may receive personal visitors provided the visits are kept to a minimum and frequency, and do not impede the employee or other employees from performing their jobs in an acceptable manner as determined by the immediate supervisor. All visitors in a school building should first report to the office of the school. Children of employees may visit them after school with the approval of their respective supervisors. All such children will be controlled by the parent-employee to avoid disrupting operations.

8. Telephones/Cell Phones: Personal calls will be allowed for emergency purposes. Other use will be allowed so long as such calls are short and infrequent. Recurring personal telephone conversations are not allowed during working hours. Abuse may lead to telephone restrictions and/or disciplinary action.

In no case shall any cost accrue to the District for personal calls. Telephone calls to and from classrooms shall not be made while classes are in session excepting only emergencies. Employees will become familiar with and use telephone manners in conducting District business by telephone.

9. Supplies/Copies: Minor or de minimus use of supplies and copies for personal purposes is allowed if approved in advance by the supervisor. Such use is only for convenience and shall not, over time result in significant cost to the District. All supplies shall be kept secure in the buildings and employees shall not remove them for personal or other use without specific permission.

10. Claims for Payment: Employees who submit claims for payment with the District must ensure that such claims are accurate and do not duplicate, in any manner, previous payments or credits. Claims for hourly pay must be accurate to the time actually worked and submitted on approved timesheets in accordance with standard payroll procedures. The superintendent will institute procedures, means, and methods for verifying the accuracy of such claims. Fraudulent claims may lead to disciplinary action, including termination, and the filing of charges with law enforcement authorities.

11. Work Environment: All places of work are to be reasonably suited and conducive to the efficiency and comfort of the employees who work there and to the students, co-workers, and public who visit those workplaces. Employees are to maintain their respective workplaces and areas (including assigned vehicles) in a clean, organized, and secured manner suitable and appropriate to the nature of the work. Such areas shall be kept free of noise, pollution, odors and other environmental impacts introduced by the employee which may disrupt the efficiency of operations or offend others. Personal radio/CD players and computer music may be allowed subject to specific approval of the supervisor. Approval will continue so long as the employee complies with ground rules established by the supervisor.

Montana Code Annotated References

	Description
2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct
20-1-201	School Officials not to Act as Agents
20-3-324	Powers and duties
45-5-501	Definitions
45-5-502	Sexual assault
45-8-213	Privacy in communications
45-8-361	Possession of weapon in a school building
Title 2, Chapter 2, Part 1	Standards of Conduct

Montana Constitution References

	Description
Article X, section 8	School District Trustees

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees

Cross References

	Description
5226	Drug-Free Workplace
5226-P(1)	Drug-Free Workplace - Employee Alcohol and Drug Use-Abuse
5232	Abused and Neglected Child Reporting
5232-NF(1)	Abused and Neglected Child Reporting - Child Abuse Reporting Form
5460	Electronic Resources and Social Networking
5460-NF(1)	Electronic Resources and Social Networking - Staff Acceptable Use Policy-AUP

Cross References

5630

6141

8225

Description

[Employee Use of Cellular Phones and Other Electronic Devices](#)

[Employment Restrictions for Administrative Personnel](#)

[Tobacco Free Policy](#)

PENDING

Policy 5226: Drug-Free Workplace

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Reviewed Date:** 03/13/2001

Purpose

The Board of Trustees of School District No. 9 acknowledges that the use and abuse of drugs and alcohol within the school community significantly detracts from the District's ability to provide an environment which maximizes student learning. Employee use or abuse in work related settings of alcohol or illegal drugs constitutes an unacceptable threat to the health, safety and well being of, not only the individual(s) directly involved, but, the parents and students of our community who are our customers. In response to these concerns, the District hereby formally adopts a *Zero Tolerance Policy* with regard to the use and abuse of alcohol and drugs for all employees. Observance of this policy, as described below, is a condition of employment with Browning Public Schools.

Zero Tolerance

"Zero Tolerance" means the Board will not tolerate any violation of this policy no matter how small or inconsequential, i.e., penalties will be the same regardless of the magnitude of the violation.

No employee of the District shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 27 1300.15. 30 Marijuana is included in this definition because individuals are prohibited from possessing, consuming, or storing marijuana or marijuana paraphernalia on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school or in a school bus; marijuana cannot be smoked in a location where smoking tobacco is prohibited; and marijuana consumed in a manner that endangers others is prohibited in accordance with Montana law. "Workplace" is defined to mean the site for the performance of work of the District. That includes any place where work is performed, including a school building or other District premises and attendance of out-of-district training or conferences; any District-owned vehicle or any other District-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five (5) *calendar* days after such conviction. As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace.

Employee Assistance

Employees may, at their discretion, contact their immediate supervisor to request assistance with drug and alcohol use/abuse issues that potentially compromise their employment with the District. If, in the judgment of the superintendent or his or her designee, an assessment from a certified drug and alcohol counselor confirms a need for treatment at a chemical dependency facility, the employee may utilize sick/annual leave to the extent that he or she has accumulated leave; all excess days utilized for treatment will be without pay. The District assumes no financial obligation for any portion of treatment expense. Employees are expected to complete the chemical dependency program prior to returning to their jobs. Nothing herein should be construed to remove the burden from the employee for adhering to all conditions set forth in the *Zero Tolerance Policy* described above.

Sanctions

Recommendations for dismissal made by the superintendent to the Board which factually establish a violation of the "Zero Tolerance" policy and are consistent with appropriate due process will result in termination of employment. Employee conduct related to violations of this policy which result in a recommendation for dismissal will be referred to

appropriate law enforcement agencies. Employees will not be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation program as an alternative to discharge. A temporary employee or short-term worker who violates this policy will not be recalled to work with the District and will be removed from the eligibility list.

Adult volunteers, chaperones or others serving in any capacity of non-paid assistance to the District suspected of being in violation of this policy will be subject to termination from all current and future involvement with the Browning Public Schools. An independent contractor or his or her employee who violates this policy will be prohibited from providing further services to the District.

Recognizing that the employees of Browning Public Schools are one of its valuable resources, the Board of Education encourages employees to seek assistance from an appropriate alcohol or drug assistance program prior to any incident involving the employee in the manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or illegal drugs while on the job, on District property, or using District vehicles.

Arrest

In the event an employee is arrested and charged in violation of this policy, the superintendent or his/her designee will:

- suspend a permanent employee with full pay and benefits and without loss of status until (a) the charges are dismissed or withdrawn, (b) the employee submits a written resignation, (c) the employee is recommended for termination by the superintendent, or (d) the employee is convicted or enters a guilty or similar plea to the charges,
- not permit a temporary employee or short-term worker to be recalled to work with the District upon receiving notice that such charges have been filed. The employee will not be eligible for recall with the District until the charges are dismissed or withdrawn.
- pursuant to federal law, notify the appropriate federal agencies within ten days after receiving notice of any employee who has a conviction if there is a relationship between the federal funds received by the District and the work site of the convicted employee. An employee who is convicted or pleads “no contest” under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent’s office no later than five days after the conviction.

An independent contractor or his or her employee arrested and charged in violation of this policy will be suspended from providing services to the District until the charges are dismissed or withdrawn.

Procedures

The Superintendent or his or her designee shall verify that each employee has been notified of this policy when hired by the District and shall be required to verify that such notification has been given to all current employees. All employees shall acknowledge, in writing, receipt of a copy of this policy.

The Superintendent or his or her designee shall establish an awareness program to inform employees about (1) the dangers of drug and alcohol abuse, (2) the Board’s policy of maintaining a drug and alcohol-free workplace, (3) available drug and alcohol counseling, rehabilitation, and employee assistance programs, and (4) the penalties that will be imposed upon employees for drug and alcohol abuse violations occurring in the workplace as a result of this “Zero Tolerance” policy adopted by the Board of Trustees.

The Board shall conduct an annual review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions are consistently enforced.

The Superintendent is directed to establish procedures to implement this policy.

Montana Code Annotated References

16-12-108

20-3-324

Description

Limitations of Marijuana Regulation Act

Powers and duties

United States Code References

41 USC 702, et seq

Cross References

5223

Description

Drug-free workplace requirements for federal grant recipients

Description

[Personal Conduct](#)

PENDING

Procedure 5226-P(1): Drug-Free Workplace - Employee Alcohol and Drug Use-Abuse

Status: ADOPTED

Original Adopted Date: 01/29/1997 | **Last Revised Date:** 02/09/2021 | **Last Reviewed Date:** 02/09/2021

The Board of Education of Browning Public Schools acknowledges that the use and abuse of drugs and alcohol within the school community significantly detracts from the District's ability to provide an environment which maximizes student learning. Employee use or abuse in work related settings of alcohol or illegal drugs constitutes an unacceptable threat to the health, safety and wellbeing of, not only the individual(s) directly involved, but, the parents and students of our community who are our customers. In response to these concerns, the District hereby formally adopts a *Zero Tolerance Policy* with regard to the use and abuse of alcohol and drugs. Observance of this policy, as described below, is a condition of employment with Browning Public Schools.

The manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or illegal drugs by any employee (regardless of classification) of Browning Public Schools while on the job, on School District property, or using School District vehicles is considered a gross violation of the *Zero Tolerance Policy*. For the purpose of this policy, the term "on the job" is defined as follows: (1) within the normal hours of the work day; (2) any time an employee is required to supervise students during school sponsored activities; (3) during approved professional conferences (within the constraints of the agenda submitted for administrative approval). "School District Property" is defined in the context of policy 1025 as all real estate properties excepting those which are leased to employees in the provision of housing. Marijuana is included in the policy because marijuana consumed in a manner that endangers others is prohibited in accordance with Montana law.

Recommendations for dismissal made by the Superintendent to the Board which factually establish a violation of the "Zero Tolerance" policy and are consistent with appropriate due process will result in termination of employment. Employee conduct related to violations of this policy which result in a recommendation for dismissal will be referred to appropriate law enforcement agencies. Employees will not be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation program as an alternative to discharge.

Adult volunteers, chaperones or others serving in any capacity of non-paid assistance to the school district suspected of being in violation of this policy will be subject to termination from all current and future involvement with the Browning Public Schools.

Recognizing that the employees of Browning Public Schools are one of its valuable resources, the Board of Education encourages employees to seek assistance from an appropriate alcohol or drug assistance program prior to any incident involving the employee in the manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or illegal drugs while on the job, on School District property, or using School District vehicles.

Employees may, at their discretion, contact their immediate supervisor to request assistance with drug and alcohol use/abuse issues that potentially compromise their employment with the District. If, in the judgment of the Assistant Superintendent or Human Resources, an assessment from a certified drug and alcohol counselor confirms a need for treatment at a chemical dependency facility, the employee may utilize sick/annual leave to the extent that he/she has accumulated leave: all excess days utilized for treatment will be without pay. The District assumes no financial obligation for any portion of treatment expense. Employees are expected to complete the chemical dependency program prior to returning to their jobs. Nothing herein should be construed to remove the burden from the employee for adhering to all conditions set forth in the *Zero Tolerance Policy* described above.

A conviction or the acceptance of a guilty plea or a plea of "no contest" with respect to a felony charge of unlawful manufacture, use, possession, sale, transfer, or distribution of alcoholic beverages or illegal drugs by any employee of Browning Public Schools while off duty shall result in employee dismissal. Pursuant to federal law, any employee who is convicted or pleads "no contest" under any criminal drug statute for a violation occurring in the workplace shall notify the Superintendent's office no later than five days after the conviction. The District has an obligation under federal law to notify the appropriate federal agencies within ten days after receiving notice of such conviction if there is a relationship between the federal funds received by the District and the work site of the convicted employee.

The administration shall verify that each employee has been notified of this policy when hired by the District and shall be required to verify that such notification has been given to all current employees. All employees shall acknowledge, in writing, receipt of a copy of this policy.

The Superintendent or designee shall establish an awareness program to inform employees about (1) the dangers of drug and alcohol abuse, (2) the Board's policy of maintaining a drug and alcohol-free workplace, (3) available drug and

alcohol counseling, rehabilitation, and employee assistance programs, and (4) the penalties that will be imposed upon employees for drug and alcohol abuse violations occurring in the workplace as a result of the “Zero Tolerance” Policy adopted by the Board of Education.

The Board shall conduct an annual review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions are consistently enforced.

The Superintendent is directed to establish procedures to implement this policy.

Montana Code Annotated References

16-12-108

Description

Limitations of Marijuana Regulation Act

20-3-324

Powers and duties

United States Code References

41 USC 702, et seq

Description

Drug-free workplace requirements for federal grant recipients

Cross References

5223

Description

[Personal Conduct](#)

PENDING

Policy 5228: Drug and Alcohol Testing for Bus and Commercial Vehicle Drivers

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination of employment.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance

abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;

3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and
12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse:
 - a. A verified positive, adulterated, or substituted drug test result;
 - b. An alcohol confirmation test with a concentration of 0.04 or higher;
 - c. A refusal to submit to any test required by law;
 - d. An employer's report of actual knowledge, as defined in law;
 - e. On duty alcohol use;
 - f. Pre-duty alcohol use;
 - g. Alcohol use following an accident;
 - h. Controlled substance use;
 - i. A substance abuse professional report of the successful completion of the return-to-duty process;
 - j. A negative return-to-duty test; and
 - k. An employer's report of completion of follow-up testing.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/ her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Clearinghouse

The School District will comply with the requirements of the Commercial Driver's License Drug and Alcohol Clearinghouse. The School District and Transportation service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers have been notified that any information subject to disclosure will be submitted to the Clearinghouse in accordance with this policy and applicable regulations.

United States Code References

49 U.S.C. 45101, et seq.

Description

Alcohol and Controlled Substances Testing

Code of Federal Regulations References

49 CFR Part 395

Description

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Notice Form 5228-NF(1): Drug and Alcohol Testing for Bus and Commercial Vehicle Drivers - Acknowledgement of Receipt Form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

I, _____, an employee serving as a commercially licensed driver for _____ School District complete this form to document that I have received School District Policies and P and been given the opportunity to ask questions about the policies to fully understand how the policies govern my employment with the School District.

Employee Signature:

Signature: _____ Date: _____

Supervisor Receipt:

Signature: _____ Date: _____

United States Code References

49 U.S.C. 45101, et seq.

Description

Alcohol and Controlled Substances Testing

Code of Federal Regulations References

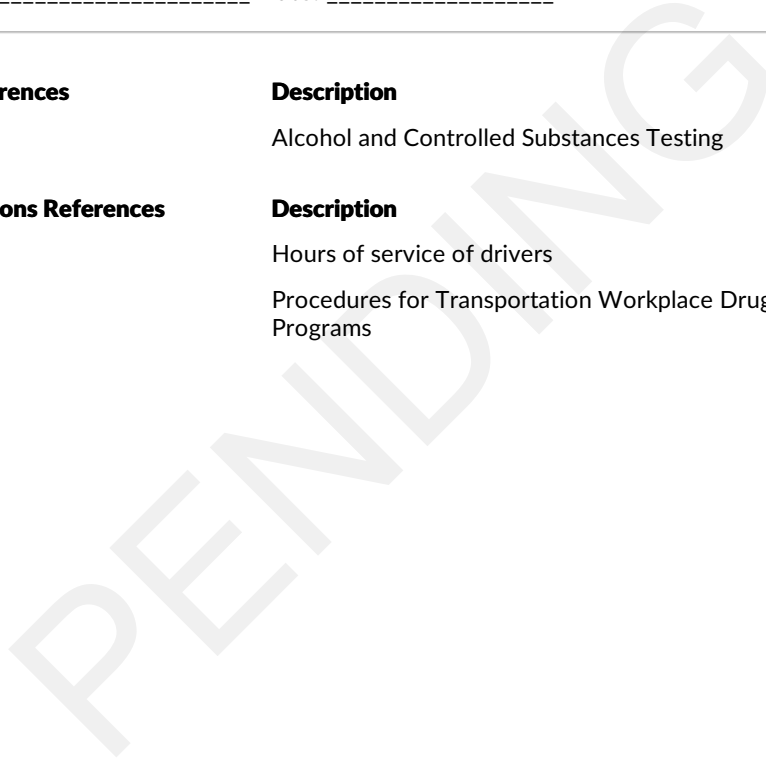
49 CFR Part 395

Description

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs



Notice Form 5228-NF(2): Drug and Alcohol Testing for Bus and Commercial Vehicle Drivers - Request for records

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

I, _____, an employee serving as a commercially licensed driver for _____ School District complete this form to request any records pertaining to my use of drugs or alcohol, including any records pertaining to my drug or alcohol tests in accordance with School District Policies and P. If I chose to have these records forwarded to a third party, I am noting the contact information in the space provided on this form.

Employee Signature:

Signature: _____ Date: _____

Supervisor Receipt:

Signature: _____ Date: _____

I authorize the School District to send the requested records to the following individual or entity in accordance with the authorization outlined on this form.

United States Code References

49 U.S.C. 45101, et seq.

Description

Alcohol and Controlled Substances Testing

Code of Federal Regulations References

49 CFR Part 395

Description

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Policy 5230: Prevention of Disease Transmission

Status: ADOPTED

Original Adopted Date: 08/25/2021 | **Last Reviewed Date:** 06/30/2021

Prevention of Disease Transmission

All District personnel shall be advised of routine procedures to follow in handling body fluids. These procedures, developed in consultation with public health and medical personnel, shall provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. The procedures shall follow standard health and safety practices. No distinction shall be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The District shall provide training on procedures on a regular basis. Appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

The District shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use towels are prohibited. The District shall provide sanitary napkin disposal in teachers' toilet rooms and nurses' toilet rooms. The District shall provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some other readily available on-site access to sanitary napkins.

If a staff member develops symptoms of any reportable communicable or infectious illness while at school, the responsible school officials shall do the following:

- (a) isolate the staff member immediately from students or staff
- (b) consult with a physician, other qualified medical professional, or the local county health authority to determine if the case should be reported.

Healthy Hand Hygiene Behavior

All staff and volunteers present in any school building shall engage in hand hygiene at the following times, which include but are not limited to:

- (a) Arrival to the facility and after breaks
- (b) Before and after preparing, eating, or handling food or drinks
- (c) Before and after administering medication or screening temperature
- (d) After coming in contact with bodily fluid
- (e) After recess
- (f) After handling garbage
- (g) After assisting students with handwashing
- (h) After use of the restroom

Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and water are not readily available.

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Confidentiality

This policy in no way limits or adjusts the School District's obligations to honor staff privacy rights. All applicable district policies and handbook provision governing confidentiality of staff medical information remain in full effect.

Administrative Rules of Montana References

37.111.825

37.114.101, et seq.

Description

Health Supervision and Maintenance

Communicable Disease Control

Cross References

5130

Description

[Staff Health](#)

PENDING

**Procedure 5230-P(1): Prevention of Disease Transmission - Bloodborne Pathogens
Exposure Control**

Status: ADOPTED

Original Adopted Date: 08/10/2004 | **Last Reviewed Date:** 08/10/2004

Prevention of Disease Transmission Procedure

Body fluids of all persons should be considered to contain potentially infectious agents. No distinction shall be made between body fluids from individuals with a known disease or infection and body fluids from asymptomatic or undiagnosed individuals. Body fluids include blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g. nasal discharge) and saliva.

The following infection control practices should be followed in all situations involving contact with any body fluids.

1. If possible, all school workers who have open sores, dermatitis or breaks in the skin should refrain from direct student care and refrain from handling student care equipment until the condition is resolved. Cuts and sores on the skin of school workers should be covered with adhesive bandages that repel water and are designed to prevent potentially infectious material from being shed from the cut or sore.
2. School workers should wear gloves when it is likely that hands will be in contact with body fluids (blood, urine, feces, wound drainage, oral secretions, sputum or vomitus).
 - a. Wear gloves while treating bloody noses and dealing with cuts that are bleeding.
 - b. Gloves should be kept in emergency response kits and be readily accessible at sites where students seek assistance for bloody noses or injuries. (If gloves are not available, towels or other clean material may be used to provide some protection.)
 - c. When possible, have students wash off their own cuts and abrasions. After cuts are washed with soap and water, they should be covered with bandages of the appropriate size. Where possible, students should be taught to hold their own bloody noses.
3. When possible, pocket face masks should be used for mouth-to-mouth resuscitation.
4. Hands should be washed immediately after gloves are removed. Wash hands often and properly, paying particular attention to areas around and under fingernails and between fingers. Wash skin with soap and water. Hands and skin surfaces should be washed thoroughly with soap and water as soon as possible after student care or after contact with body fluids. Use warm running water with soap and scrub for 15 seconds before rinsing and drying. (Only as an interim measure when water is not available, a hand cleaning germicide may be used. The germicide is available in towelette form. Follow with soap and water, scrub as soon as possible.) Apply lotion to prevent hands from drying and cracking.
5. Clean up the area (floor, desk, sink, clothing, etc.) as soon as possible after contact with body fluids.
 - a. Wash contaminated surfaces and non-disposable items with a standard disinfectant such as household bleach or an aerosol germicide cleaner.
 - b. Wash contaminated clothing and linen in detergent with hot water. Items belonging to students may be double bagged in plastic bags and sent home with the student.
 - c. Contaminated gloves, tissues, gauze, paper towels and other disposable items should be placed in a plastic bag which is placed in a second plastic bag before being discarded in the regular trash collection system.

Use individual judgment in determining when barriers are needed for unpredictable situations. It is strongly recommended that barriers be used when contact with body fluids is anticipated.

Protective Equipment

- A. First Aid Equipment:
 1. Crisis Kits: two (2) in each school, one (1) in each other building

2. Supplies
 - a. Nurses offices in larger schools
 - b. Office area of other schools, programs
 3. First Aid bags for TAs on recess duty
 4. Bags with gloves and gauze in all rooms in each school building
 5. First Aid Kits on buses
 6. Additional supplies in gyms, shops, labs for coaches
- B. Protective Gear
1. Personal Protection Kits including CPR masks in offices, to be accessible in every building
 2. Bags with gloves and gauze in all rooms in each school building
 3. CPR masks and convenience bags in all automobiles used to transport students
- C. Body Fluid Clean-up Kits
1. Body Fluid Clean-up Kits available in every classroom and automobile used to transport students.
- D. Disposable Plastic Bags
1. Availability
 - a. double bags in a covered can in each nurses office
 - b. Double bags in a trash container in other areas where contact with blood or OPIM is most likely to occur (ex. Locker rooms, science labs, lunchrooms)

• **Hepatitis B Vaccinations**

- A. Pre-exposure HBV vaccinations are required only when employees, in the course of performing their required job duties, are routinely exposed to blood or other potentially infectious materials. Vaccinations are to be provided at no cost to the employee.
- B. Job categories where employees are routinely exposed to blood or other potentially infectious materials include:
 1. nurses
 2. custodians
 3. first aid providers
 4. coaches
- C. Employees in the job categories above who decline HBV vaccinations will be required to sign a declination form.

• **Training**

Training for all employees will be conducted prior to initial assignment to tasks where occupational exposure may occur and annually thereafter. The trainer must be knowledgeable in the subject matter and how it relates to the workplace that the training will address. Training for employees will include at least the following and explanation of:

- A. The OSHA standard for Bloodborne Pathogens (BBP)
- B. Epidemiology and symptoms of bloodborne diseases

- C. Modes of transmission for BBP
- D. The exposure control plan for the facility
- E. Procedures of tasks which might cause exposure to blood or OPIM at the facility
- F. Control methods which will be used at the facility to control exposures to blood or OPIM
- G. Personal Protective Equipment available and the basis for selection
- H. Information on the Hepatitis B vaccine, including safety, efficacy, administration, benefits and that it is offered free of cost to employees who in the course of performing their required job duties are routinely exposed to blood or OPIM
- I. Post exposure evaluation and follow-up
- J. Actions to take in an emergency situation involving blood or OPIM

Blood Exposure Incident

- A. An exposure incident occurs when blood or other potentially infectious body fluid comes into contact with an employee's eyes, mucous membrane or open skin surface.
- B. All exposure incidents are to be reported to the principal or program director.
- C. Counseling
 - 1. The school nurse or other person designated by the principal/director will provide counseling in incidents of possible exposure.
 - 2. The school nurse (or other person designated by the principal/director) in consultation with the employee will determine if an exposure incident occurred. A standard form will be completed and will be filed with the school personnel office.
 - 3. An exposure incident occurs when there is specific eye, mouth, other mucous membrane, non-intact skin or parental contact with blood or other potentially infectious materials. Documentation of the route and circumstances under which the exposure incident occurred and the identification of the source individual, when feasible, and allowed by law will be kept. When an exposure incident occurs the employee will be referred for medical follow-up.
- D. Medical follow-up
 - 1. School must pay for medical consultation and follow-up.
 - 2. Staff may go to the IHS emergency room or to their own physician.

I. Terminology

Blood – Means human blood, human blood components and products made from blood.

Bloodborne Pathogens – pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

Contaminated – means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Sharps – means any contaminated object that can penetrate the skin including, but not limited to needles, scalpels, broken capillary tubes and exposed ends of dental wires.

Decontamination – means the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Exposure Incident – means a specific eye, mouth, other mucus membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.

Handwashing Facilities – means a facility providing an adequate supply of running potable water, soap and single use towels or hot air-drying machines.

Licensed Healthcare Professional – is a person whose legally permitted scope of practice allows him/her to independently perform the activities required under this standard for Hepatitis B Vaccination and post-exposure evaluation and follow-up.

Occupational Exposure – means reasonably anticipated skin, eye, mucus membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.

Other Potentially Infectious Materials – (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures and body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV containing cell or tissue cultures, organ cultures and HIV or HBV containing culture medium or other solutions; and blood, organs or other tissues from experimental animals infected with HIV or HBV.

Parenteral – means piercing mucus membrane or the skin barrier through such events as needle sticks, human bites and abrasions.

Source Individual – means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

Universal Precautions – is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

Work Practice Controls – means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needles by a two-handed technique).

Administrative Rules of Montana References	Description
37.111.825	Health Supervision and Maintenance
37.114.101, et seq.	Communicable Disease Control

Cross References	Description
5130	Staff Health

Procedure 5230-P(2): Prevention of Disease Transmission - Bloodborne Pathogens

Status: ADOPTED

Original Adopted Date: 08/10/2004 | **Last Reviewed Date:** 08/10/2004

This exposure control plan is written and approved in compliance with OSHA Bloodborne Standard 29 CFR 1910.1030. It will be available for review by OSHA Compliance officers or staff upon request.

Universal precautions must be observed whenever contact with blood or body fluids occurs. All employees will treat all blood and body fluids as if known to be infected with HIV, HBV or other bloodborne pathogens. Disposable latex, non-latex, vinyl or polyethylene gloves will be provided for all staff ventilation devices will be provided for all first aiders trained to do CPR. Additionally, hand washing facilities must be readily accessible to all employees. If running water and soap are not available hand cleaners or towelettes may be used as an interim measure. Students are expressly prohibited from any involvement in the cleanup of any blood or bodily fluids not their own.

No hazardous waste labels or containers should be needed in the schools; however, all custodians will be provided plastic liners for all waste receptacles and disposable latex, non-latex, vinyl or polyethylene gloves. Universal precautions will be observed in the closure and disposal of all waste products, which will be done daily. Hepatitis B vaccinations will be offered to all employees who in the course of performing their required job duties are routinely exposed to blood or other potentially infectious materials. Should designated staff decide not to accept the HBV vaccinations a declination form must be signed. No substantial risk of direct exposure to blood or body fluids is anticipated in the school setting; however, should such exposure occur the incident must be reported immediately to the principal or director, the employee counseled and medical follow-up provided if indicated.

All potentially contaminated objects (i.e. gauze used to clean lacerations, materials used to control nosebleeds, gauze used for avulsed teeth, etc.) must be disposed of in doubled leak proof bags. All contaminated surfaces will be immediately cleaned and then disinfected with an EPA approved agent. An appropriate cleaning schedule for rooms where body fluids may be present will be implemented; it shall be as frequent as necessary depending upon the area of the school, the type of surface to be cleaned and the amount and type of soil present.

Yearly training sessions (appropriate for the employee education level and languages) will be held for all personnel who face potential exposure to bloodborne diseases and if changes in task assignments occurs. These sessions will address transmission and symptoms of bloodborne diseases, exposure control plans, how to access copies of the OSHA regulations and exposure control plans job tasks that involve possible exposure to bloodborne pathogens, universal precautions, personal protective equipment use and disposal, HBV vaccine benefits, reporting of exposure incidents, post exposure counseling, evaluation and follow-up.

Employee records (including employee name and social security number) will be kept by the school district. These will include a record of all training sessions attended, immunizations received or declined, any exposure incidents and follow-up information. Confidentiality must be maintained for all such records. These records must be kept for 30-years after termination of employment exclusive of training records which must be kept for 3-years.

Administrative Rules of Montana References

37.111.825

37.114.101, et seq.

Description

Health Supervision and Maintenance

Communicable Disease Control

Cross References

5130

Description

[Staff Health](#)

Policy 5232: Abused and Neglected Child Reporting

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused, neglected, or subjected to sex trafficking by anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent or other person responsible for the child's welfare, shall report the matter promptly to the Department of Public Health and Human Services or local law enforcement.

Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, exposure to or involvement with sex trafficking, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member.

The District administration is authorized to provide access to educational resources for interested parents, teachers, and students on how to prevent and report child abuse, neglect and sex trafficking; identify the warning signs of child abuse, neglect and sex trafficking; recognize predatory behaviors; and coordinate efforts with law enforcement, the Department of Public Health and Human Services, and local organizations on these topics.

Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to law enforcement or the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the Department of Public Health and Human Services may share information with that individual or others as permitted by law. Individuals in the District who receive information related to a report of child abuse, neglect, or sex trafficking shall maintain the confidentiality of the information.

- Browning Public School employees will call the Montana Child Abuse Hotline at 1-866-820 (KIDS) to report suspected child abuse or neglect as required by law within twenty-four (24) hours if child abuse and/or neglect is suspected. Reports for emergency situation should also be made to local law enforcement by calling 911. Staff is encouraged to document the call after it is made and to fully cooperate with investigating authorities. Retaliation against Browning Public Schools employees who make a mandatory report will not be tolerated by the School District.
- Notification of the report of suspected abuse/neglect to the reporting employee's immediate supervisor and the District's Child Protection Team representative are recommended, but not required by law.
- If immediate danger to the child is suspected, call the police department (338-4000).
- If physical signs are apparent or sexual abuse is suggested refer to the school nurse or other medical practitioner immediately.
- The documentation of suspected abuse or neglect should include the following information: observations, conversations, background information, which will include dates and descriptions of instances; the names and addresses of pertinent people involved (e.g. family members, witnesses, etc.) and a signature of the reporting individual.
- Children may be interviewed in the school site by the State or Tribal officer conducting the investigation of abuse without parent notification of the interview. If considered appropriate by the investigating individual, school staff may attend and participate in the interview of the child.

Montana Code Annotated References

Description

20-7-1316	Child Sex Trafficking Prevention
41-3-201	Reports
41-3-202	Action on reporting
41-3-203	Immunity from liability

Montana Code Annotated References

41-3-205

41-3-207

45-5-501

45-5-502

Description

Confidentiality - disclosure exceptions

Penalty for failure to report

Definitions

Sexual assault

United States Code References

38 U.S.C. 4301-4334

Description

The Uniformed Services Employment and

Cross References

3225

3225-P(1)

5012

5012-P(1)

5223

Description[Sexual Harassment of Students](#)[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)[Sexual Harassment of Employees](#)[Sexual Harassment of Employees - Sexual Harassment Grievance Procedure - Employees](#)[Personal Conduct](#)

PENDING

Notice Form 5232-NF(1): Abused and Neglected Child Reporting - Child Abuse Reporting Form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | Last Reviewed Date: 06/30/1997

Date:

To: Child Protection Team

From:

Individual Suspected of possibly being neglected or abused: _____

With whom does the child reside? _____

Please provide the name of siblings or other children in the home: _____

Address: _____

Phone: _____

Please describe the event (s) of concern: (details, dates, exact nature of the concern, possible individuals involved or suspects) _____

Do you believe there may be immediate danger? _____

Please describe historical concerns: (any other incidents, immediate family members demonstrating symptoms of abuse or neglect) _____

Are the children involved with other agencies and if so, what agencies? _____

Please attach another page if necessary. Provide a Copy to the Blackfeet Tribe Juvenile Department.

Montana Code Annotated References

Description

20-7-1316

Child Sex Trafficking Prevention

41-3-201

Reports

41-3-202

Action on reporting

41-3-203

Immunity from liability

41-3-205

Confidentiality - disclosure exceptions

Montana Code Annotated References

41-3-207

45-5-501

45-5-502

Description

Penalty for failure to report

Definitions

Sexual assault

United States Code References

38 U.S.C. 4301-4334

Description

The Uniformed Services Employment and

Cross References

3225

3225-P(1)

5012

5012-P(1)

5223

Description[Sexual Harassment of Students](#)[Sexual Harassment of Students - Sexual Harassment Grievance Procedure - Students](#)[Sexual Harassment of Employees](#)[Sexual Harassment of Employees - Sexual Harassment Grievance Procedure - Employees](#)[Personal Conduct](#)

PENDING

Policy 5251: Resignations

Status: ADOPTED

Original Adopted Date: 03/15/2000 | **Last Revised Date:** 04/24/2019 | **Last Reviewed Date:** 04/24/2019

Resignations

The Board authorizes the Superintendent to accept on its behalf resignations from any school district employee. The Superintendent shall provide written acceptance of the resignation, including the date of acceptance to the employee, setting forth the effective date of the resignation.

Once the Superintendent has accepted the resignation it may be withdrawn for special circumstances if approved by the Superintendent and shared with the board. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

Montana Supreme Court References

225 Mont. 272, 731 P.2d 1318 (1987)

Description

Booth v. Argenbright

Cross References

1000

1000-P(1)

1400

Description

[Legal Status, Operation and Organization](#)

[Legal Status, Operation and Organization](#)

[Board Meetings](#)



Policy 5322: Military Leave

Status: ADOPTED

Original Adopted Date: 07/27/2016 | **Last Reviewed Date:** 07/27/2016

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.

The District shall post notice of the rights, benefits, and obligations of the District and employees in the customary place for notices.

Montana Code Annotated References

10-1-1001, et seq

Description

Montana Military Service Employment Rights

Policy 5325: Breastfeeding in the School and Workplace

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Recognizing that breastfeeding is a normal part of daily life for mothers and infants, and that Montana law authorizes mothers to breastfeed their infants where mothers and infants are authorized to be, the District will support mothers who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable break time each day to an employee who needs to express milk for a child. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employee's needs. Building administrators are authorized to work with teachers to provide students necessary time to express milk for a child.

The District will make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee or student can express breast milk safely. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors and building administrators shall ensure that those employees or students in need of such accommodations shall be aware of them prior to maternity leave.

If possible, supervisors and building administrators shall ensure that those employees or students in need of such accommodations shall be aware of these workplace accommodations prior to maternity leave.

Montana Code Annotated References

39-2-215

Description

Public employer policy on support of women and

39-2-216

Private Place for nursing mothers

39-2-217

Break time for nursing mothers

Administrative Rules of Montana References

37.111.811

Description

Physical Requirements

Policy 5328: Family Medical Leave

Status: ADOPTED

Original Adopted Date: 03/26/2014 | **Last Reviewed Date:** 03/26/2014

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Servicemember Family Leave

Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single twelve-(12)-month period.

Eligibility

An employee is eligible to take FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested, and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is *twelve (12) months forward from the date of a particular employee's first FMLA leave.*

Coordination of Paid Leave

Employees *will* be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences *will* be designated FMLA leave.

Medical Certification

The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.

NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight "Resources & Services" tab and click on "Required Postings".

Montana Code Annotated References

49-2-303

Description

Discrimination in Employment

United States Code References

29 U.S.C. §2601, et seq

Public Law 110-181

Description

Family and Medical Leave Act

National Defense Authorization Act for FY 2008

Code of Federal Regulations References

29 C.F.R. Part 825

Description

Family and Medical Leave Regulations

PENDING

Procedure 5328-P(1): Family Medical Leave

Status: ADOPTED

Original Adopted Date: 09/30/2008 | **Last Revised Date:** 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Who Is Eligible

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks or twenty-six (26) weeks leave with continuing participation in the District's group insurance plan.

Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

- a. To care for the employee's child after birth, or placement for adoption or foster care;
- b. To care for the employee's spouse, child, or parent (does not include parents-in-law) who has a serious health condition; or
- c. For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave

a. Military Caregiver Leave

An eligible employee who is a relative of a servicemember can take up to 26 weeks in a 12 -month period in order to care for a covered servicemember who is seriously ill or injured in the line of duty

b. Qualified Exigency Leave

An eligible employee can take up to the normal 12 weeks of leave if a family member is on covered active duty. Covered active duty includes duty of a member of a regular component of the Armed Forces during deployment to a foreign country, and duty of a member of a reserve component of the Armed Forces during deployment to a foreign country under a call or order to active duty in support of specified contingency operations.

Qualifying Exigencies include:

- a. Short-notice deployment
- b. Military events and related activities
- c. Childcare and school activities
- d. Financial and legal arrangements
- e. Counseling Rest and recuperation

- f. Post-deployment activities; and
- g. Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

- a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
- d. Whenever appropriate workers' compensation absences shall be designated FMLA leave.
- e. Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

When Both Spouses Are District Employees

When spouses work for the same employer and each spouse is eligible to take FMLA leave, the FMLA limits the combined amount of leave they may take for some, but not all, FMLA-qualifying leave reasons.

For purposes of FMLA leave, spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Eligible spouses who work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period for the following FMLA-qualifying reasons:

- the birth of a son or daughter and bonding with the newborn child,
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child, and
- the care of a parent with a serious health condition.

Eligible spouses who work for the same employer are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.

The limitation on the amount of leave for spouses working for the same employer does not apply to FMLA leave

taken for some qualifying reasons. Eligible spouses who work for the same employer are each entitled to up to 12 workweeks of FMLA leave in a 12-month period, without regard to the amount of leave their spouses use, for the following FMLA-qualifying leave reasons:

- the care of a spouse or son or daughter with a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job; and
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on "covered active duty."

Employee Notice Requirement

The employee must follow the employer's standard notice and procedural policies for taking FMLA.

Employer Notice Requirement (29 C.F.R. §825.300)

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the

employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee's FMLA entitlement.

Notice For Leave Due To Active Duty Of Family Member

In any case in which the necessity for leave is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

Requests

A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

An employer may require that a request for leave be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.

Medical Certification

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second or third opinions (at the employer's expense) and a fitness-for-duty report or return-to-work statement.

Intermittent/Reduced Leave

FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with District approval. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District’s payroll system uses to account for absences or use of leave.

Insurance

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease. If an employee is unable to return to work after exhausting their FMLA benefit, they will no longer meet the eligibility requirements for the district adopted health care plan and will be required to pay all premium expenses to maintain coverage. The District will mail notice of ineligibility at least fifteen (15) days before coverage premiums will become the responsibility of the employee.

Return

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Recordkeeping

Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

Summer Vacation

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

- a. The leave is at least three (3) weeks; and
- b. The employee’s return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

- a. The leave is longer than two (2) weeks; and
- b. The employee's return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three (3) weeks before the end of term, the District may require

the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave

Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the District to:

- a. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
- b. Transfer to an alternate but equivalent position.

Montana Code Annotated References

49-2-303

Description

Discrimination in Employment

United States Code References

29 U.S.C. §2601, et seq

Public Law 110-181

Description

Family and Medical Leave Act

National Defense Authorization Act for FY 2008

Code of Federal Regulations References

29 C.F.R. Part 825

Description

Family and Medical Leave Regulations

Policy 5336: Compensatory Time and Overtime for Classified Employees

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

Overtime/Classified Employees

Classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1 ½) times the normal hourly rate times all hours worked in excess of forty (40) hours in any work week. No overtime is authorized for any classified employee without the specific approval of the supervisor, except as the Superintendent shall otherwise prescribe.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer for school related activities with the District outside of the forty (40) hour work week.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Montana Code Annotated References

Title 39, Chapter 3, Part 4

Description

Minimum Wage and Overtime

Administrative Rules of Montana References

24.16.2501–2581

24.9.805

Description

Overtime Compensation

Employment Records

United States Code References

29 U.S.C. §201 et seq

Description

Fair Labor Standards Act

Policy 5430: Volunteers

Status: ADOPTED

Original Adopted Date: 11/30/2021 | **Last Reviewed Date:** 10/12/2021

Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks.

Chaperones

The Superintendent may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day's activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of District policy during the field trip or excursion, including during the hours following the end of the day's activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

United States Code References

Public Law 105-251

Description

Volunteers for Children Act

Cross References

5122

Description

[Fingerprints and Criminal Background Investigations](#)

5122-F(1)

[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)

5122-F(2)

[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)

Policy 5460: Electronic Resources and Social Networking

Status: ADOPTED

Original Adopted Date: 08/14/2018 | **Last Reviewed Date:** 09/30/2020

The Browning 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.

School district staff shall not socialize with students on social networking websites (during school or out-of-school) in a manner contrary to this policy. 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 when used in a manner not related to the delivery of educational services or district operations.

- Sharing personal landline or cell phone numbers with students for non-educational purposes;
- Text messaging students for non-educational purposes. Extra-curricular school sponsored field trips sporting activities and academic activities (such as the band traveling to an away game) are considered educational activities for purposes of this policy however only texting to support and keep in contact for the duration of the extra-curricular activity is permitted;
- Emailing students other than through and to school controlled and monitored accounts;
- Soliciting students as friends or contacts on social networking sites for non-educational purposes except for individuals who are close family members;
- Accepting the solicitation of students as friends or contacts on social networking sites for non-educational purposes except for individuals who are close family members;
- Creation of non-approved and/or non-sanctioned "groups" on social networking sites that permit the broadcast of information without granting students access to staff member's personal information;
- Sharing with student's access information to personal websites or other media through which the staff member would share personal information and occurrences.

Accessing social networking websites for individual use during school hours is prohibited, unless asked to do so by administration. Except in an emergency situation, staff shall not access social networking sites using district resources, including during breaks or preparation periods. All school district employees who participate in social networking websites, shall not post any school district data, documents, photographs, logos, or other district owned or created information on any website except for information posted to district sanctioned social media presences. Further, the posting of any private or confidential school district material on such websites including district sanctioned social media presences are strictly prohibited.

The Board directs the Superintendent or his/her designee to create strong electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

The sanctioned social media presences for the District are:

Facebook <https://facebook.com/BrowningPS>

Twitter. <https://twitter.com/BrowningPS>

The District retains the right to establish and sanction additional social media presences and will be reported as such to the board of trustees should the presence be established.

Montana Code Annotated References

2-2-102

Description

Definitions

2-2-103

Public Trust

2-2-104

Rules of Conduct

2-2-105

Ethical Requirements

2-2-121

Rules of Conduct

Cross References**Description**

5223

[Personal Conduct](#)

Notice Form 5460-NF(1): Electronic Resources and Social Networking - Staff Acceptable Use Policy-AUP

Status: ADOPTED

Original Adopted Date: 06/26/2013 | Last Reviewed Date: 06/26/2013

At Browning School District #9, we believe that technology is a powerful tool to enhance learning, enabling students and staff to access information and collaborate with others across the school, community, and the Internet. We believe that all students, staff and parents must be good digital citizens by following standards of *acceptable use* when using either school-owned technology (software, hardware, school network, Internet) or their own personal electronic device for school purposes while employed at Browning School District #9. The declaration below outlines these standards of acceptable use. Once signed, it will act as an agreement between Browning School District # 9 and

Staff member's name (printed)

This declaration must be reviewed and signed by the staff member in order to use *school technology* (including computers, cameras, tablet devices i.e. iPads, etc.) while on or off campus or to use their own *personal electronic devices* while on campus.

Section A: Staff Member Declaration

As a staff member of Browning School District #9, I value having access to technology to support my teaching or support position. I know that along with this privilege goes great responsibility. To demonstrate my commitment and understanding of the level of responsibility that is required, I agree to each of the expectations and guidelines listed below.

- I understand that having access to technology in school is a privilege and that this privilege may be revoked if I fail to fulfill my responsibilities as a user of this technology. I will comply with all the policies and rules pertaining to the use of technology, which the district has established or may establish in the future.
- When connected to the Internet, I will not reveal any information protected under FERPA or other laws and regulations.
- I will take full responsibility for, and respectfully use, the technology available to me in the district. For example, this means I will use proper care if transporting, handling or operating any electronic device (e.g. computer, camera, tablet device, etc.) while in district, whether it belongs to the district, another staff member, a student, or myself.
- I understand that the district uses a content filter on its Internet access, yet I know it is possible that I may encounter inappropriate material. I will immediately close the application(s) that depicts this material and report it to the technology director or their designee.
- I understand that personnel from District Technology have access to information about every web page I visit and files I create on school computers. I further understand that all e-mail communications are archived for an indefinite period of time as well as the district may utilize various electronic monitoring devices and/or software. I am aware that this information may be monitored and viewed by appropriate district personnel for any reason. I understand that this limits privacy as it pertains to the use of the technology that is assigned to me and information that is stored on school-provided (local and web-based) file storage spaces. I further understand that I will make no attempt to circumvent the district's filtering or monitoring solutions.
- I will not download or install any software, music, movies, or files of any nature unless I have been granted specific permission to do so by district technology and the copyright holder grants permission or proper licensing has been secured.

- I will always log out of the computer when finished using it, or when moving out of sight of the computer. (Any actions done on a computer when YOU are logged in are directly traceable to you.) I will not access or use the account of a student or another staff member. If I notice another student or teacher has not logged out of a computer I am using, I will notify them (if possible) and log out.
- I will use a camera (or any device with a camera, e.g. cell phone, netbook, laptop, etc.) to take photos during school in an appropriate and responsible way both in school and on school supported field trips. School Administration may search my camera/phone/netbook memory if they feel school rules or laws have been violated.
- I will not create, use, display, or store any offensive, obscene, inflammatory or defamatory language or images. I will not use the technology in any way that negatively affects students or other staff members.
- I understand the use of district technology resources for purposes of personal gain (i.e. running a business) or for the promotion and/or support of individuals running for political office are prohibited.

Section B: Staff members bringing their own personal electronic device to school

Staff members in the district may bring their own personal electronic devices (*including digital cameras, computers, web-enabled phones or personal devices (e.g. iPads, iPod touches, Kindle Fires, Android Tablets, laptops, etc.)*) which may or may not be able to connect to the school wireless network. When at school, all of the above conditions apply to these staff-owned, personal electronic devices, in addition to the following:

- I will only connect to the school wireless network, and NOT to the school's wired network, nor any other (external) wireless network. This includes NOT connecting to 3G/4G or cellular type networks while on school campus. Appropriate permission will be secured through the building administrator and district technology to make Internet resources available through the district filter on a temporary basis. *This is a condition of the district's e-rate application and jeopardizes a significant funding source to the district should the district be found to provide non-filtered access to students and/or staff.*
- The device I am using will have virus protection software that is up-to-date.
- I will turn off all peer-to-peer (music/video/file-sharing) and streaming software services on my device while connected to the school network.
- I understand the security, care and maintenance of my device is my responsibility. I will securely store and charge my device when not in use.
- I understand that the district is not responsible for the loss, theft or damage of my device. I am fully responsible for my property while it is at school. I understand that should I leave my device in the custody of another staff member or student that they are not responsible for the loss, theft or damage of my device.
- I understand that personnel from District/School Administration may access my personal electronic device if there are reasonable grounds to believe that there has been a breach of district rules or law and that a search of the device would reveal evidence of that breach whether that search does or does not reveal a breach. This may include, but not limited to, audio and video recording, photographs taken on school property that violates the privacy of others, issues regarding bullying, verification that the staff members device is connected to the school network correctly, etc. The staff member further agrees to provide appropriate passwords or log into devices to assist in this section.
- I will follow standards of professional conduct in the use of audio/video recording devices in school.

Browning School District No. 9

Acceptable Use of Technology Agreement and Staff Member Declaration:

This is to certify that _____, has read, understands, and will abide by all the acceptable use requirements on all pages as set forth in this agreement.

I agree that if I fail to keep my commitment to doing those things listed above that I may have my school district network and/or school computer privileges revoked either temporarily or permanently. It is my responsibility as a staff member to meet all conditions of my employment in the event of a revocation of network privileges. I understand that there may be other disciplinary consequences if there has been a breach of school rules, district policies or laws up to and including suspension and/or termination of my employment with Browning School District 9.

Staff member signature Date

Notes:

¹ A personal electronic device includes any of the following that is owned by the staff member: laptop computer, netbook, smart phones, iPads, tablet computers (or other devices with Internet access – e.g. BlackBerry, Cell Phone, iPod Touch, PDA, Nintendo DSI, etc.) This list is meant to only list possible examples and to include devices with similar type capabilities as they come to market.

² Sites like creativecommons.org and jamendo.com offer content which can be used legally and for free

Text Box 1

I choose to **not accept** this agreement, with the understanding that I will not be allowed computer or Internet access at Browning Public Schools. I will be responsible to find alternative means to satisfactorily perform the duties of my position.

Staff member signature Date

Policy History

Adopted on: 6/26/13

Revised on:

Reviewed: 9/30/20

Montana Code Annotated References

2-2-102

2-2-103

2-2-104

2-2-105

Description

Definitions

Public Trust

Rules of Conduct

Ethical Requirements

Montana Code Annotated References

2-2-121

Description

Rules of Conduct

Cross References

5223

Description

[Personal Conduct](#)

PENDING

Policy 5630: Employee Use of Cellular Phones and Other Electronic Devices

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Reviewed Date:** 01/11/2011

The Board recognizes that the use of cellular telephones and other electronic communication devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District-sponsored activities. To this end, the Board authorizes the purchase and employee use of such devices, as deemed appropriate by the Superintendent.

District-owned cellular telephones and other devices will be used for authorized District business purposes. Personal use of such equipment may be prohibited except in emergency situations.

Use of cellular telephones and other electronic communication devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including dismissal.

District employees are prohibited from using cell phones or other electronic communication devices while driving or otherwise operating District-owned motor vehicles, or while driving or otherwise operating personally-owned vehicles when transporting students on school-sponsored activities.

Emergency Use

Staff is encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff or other individuals.

Use of Personal Cell Phones and Communication Devices

Employees are strongly discouraged from using their personal cell phone during the school days. When necessary, employees may use their personal cell phones and similar communication devices only during non-instructional time. In no event shall an employee's use of a cell phone interfere with the employee's job obligations and responsibilities. If such use is determined to have interfered with an employee's obligations and responsibilities, the employee may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.

Cross References

5223

Description

[Personal Conduct](#)

Policy 6000: Goals

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

The administrative staff, working as a team under the direction of the superintendent of schools, is charged with the responsibility of organizing and directing the teaching and non-teaching personnel of the district in order that both the *annual and ongoing goals* set forth by the Board of Browning Public Schools might be achieved. Accordingly, the administration is directed to formulate appropriate goals in order to ensure that the short and long-term priorities of the Board of education are effectively realized.

The administrative staff's primary functions are to manage the district and to facilitate the implementation of a quality educational program. It is the goal of the Board that the administrative organization:

1. Provide for efficient and responsible supervision, implementation, evaluation, and improvement of the instructional program, consistent with the policies established by the Board;
2. Provide effective and responsive communication with staff, students, parents, and other citizens; and
3. Foster staff initiative and rapport.

The district's administrative organization shall be designed so that all divisions and departments of the district are part of a single system guided by board policies, which are implemented through the superintendent. Central office administrators, principals and all other supervisory personnel are expected to administer their responsibilities in accordance with the articulated goals of the Board while adhering to Board policy.

Policy 6110: Superintendent

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The Board, upon the selection of a candidate or upon reappointment of the incumbent superintendent, will endeavor to secure the dignity of the position and the freedom of leadership appropriate to the responsibilities of the superintendent through an explicit contractual agreement. Such contract will meet the requirements of Montana State law and will protect the rights of both the Board and the superintendent. The resulting legal agreement will state the terms of the contract, compensation, benefits, and other conditions of employment. Salary and benefits will be determined by the Board at the time of appointment and will be reviewed by the Board each year.

The Board realizes that it is increasingly important to free the superintendent from the pressures of special interest groups within the community by ensuring his or her security from the threat of sudden and unjustified dismissal. As a result, the board shall establish specific evaluative criteria reflecting professional competencies for evaluation of the superintendent's performance and shall be minimally responsible for annually evaluating his/her performance. Renewal of the superintendent's contract will be dictated by the results derived from the established evaluation process. Should a majority of the Board membership determine, subsequent to completion of the evaluation, that the superintendent's services are considered unsatisfactory, s/he will be notified of the Board's intent to non-renew their contract, and will be given reasonable opportunity to correct the deficiencies.

The Board of Education recognizes that Montana State Statute permits variable length contracts with school superintendents. The Board may initially grant the superintendent a multi-year contract and renew the contractual agreement annually for a further term of one year. The term will commence on July 1 and continue through June 30 of the year in which the contract expires. In all cases involving the intent to terminate, trustees shall take such action by a majority vote of the membership and notify the superintendent in writing of their intent to terminate no later than February 1st of the last year of the contract.

Montana Code Annotated References

Description

- | | |
|----------|-------------------------------------------------------------------|
| 20-3-324 | Powers and duties |
| 20-4-402 | Duties of district superintendent or county high school principal |

Montana Constitution References

Description

- | | |
|----------------------|--------------------------|
| Article X, section 8 | School District Trustees |
|----------------------|--------------------------|

Administrative Rules of Montana References

Description

- | | |
|-----------|--------------------------------------------------|
| 10.55.602 | Definition of Internship |
| 10.55.607 | Internships |
| 10.55.701 | Board of Trustees |
| 10.55.702 | Licensure and Duties of District Administrator – |

Cross References

Description

- | | |
|-----------|----------------------------------------------------------|
| 1000 | Legal Status, Operation and Organization |
| 1000-P(1) | Legal Status, Operation and Organization |
| 1521 | Board/Superintendent Relationship |
| 2221 | School Emergency and Closure |

Procedure 6110-P(1): Superintendent - Recruitment of Superintendent

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

In order to provide the most capable leadership available for School District No. 9, the Board of Education will engage in a search for applicants for the position of superintendent of schools in a method characterized by exceptional standards and high expectations. The services of consultants may be engaged to assist in screening candidates to be interviewed by the Board. Employees of the district may apply directly to the Board and will be granted an interview providing they meet the qualifications established by the Board.

The following criteria will be used by the Board in employing the most acceptable candidate to the District:

1. An educator, with at least five years of administrative *and* teaching experience, who qualifies for Montana Superintendent’s endorsement.
1. An administrator with proven expertise in staff leadership and development, capable of directing the District’s affairs with initiative and efficiency in a fair, firm and decisive manner;
1. A person dedicated to the achievement of superior educational objectives and of creating and maintaining an atmosphere of understanding within the schools that will make possible the achievement of basic educational skills by all students;
4. An educational leader with demonstrated ability to communicate effectively and sensitively with all parts of the community, the staff, and the school board concerning the welfare and education of children;
5. A person skilled in implementing nondiscriminatory personnel policies with the objective of obtaining the most qualified staff members for the District;
6. An educator who will regard the acceptance of the superintendency of the District as a commitment to equal educational opportunity for all children, including those with special educational needs;
7. A person with proven expertise in staff leadership based on a firm commitment to the inclusion of staff in goal establishment, long range planning and decision making;
8. An educational leader with demonstrated ability to understand and interpret the complexities of school finance.

Montana Code Annotated References

Montana Code Annotated References	Description
20-3-324	Powers and duties
20-4-402	Duties of district superintendent or county high school principal

Montana Constitution References

Montana Constitution References	Description
Article X, section 8	School District Trustees

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.55.602	Definition of Internship
10.55.607	Internships
10.55.701	Board of Trustees
10.55.702	Licensure and Duties of District Administrator –

Cross References

Cross References	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1521	Board/Superintendent Relationship

Cross References

2221

Description

[School Emergency and Closure](#)

PENDING

Procedure 6110-P(2): Superintendent - Superintendent-Board Job Responsibilities

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Browning Public Schools

Policy Name: *Superintendent-Board Relations*

The Board will:	The Superintendent will:
Select the Superintendent and delegate to him/her all necessary administrative powers.	Serve as chief executive officer of the District.
Adopt policies for the operations of the school system and review administrative procedures.	Recommend policies or policy changes to the Board and develop procedures which implement Board policy.
Formulate a statement of goals reflecting the philosophy of the District.	Provide leadership in the development, operation, supervision, and evaluation of the educational program.
Adopt annual objectives for improvement of the District.	Recommend annual objectives for improvement of the District.
Approve courses of study.	Recommend courses of study.
Approve textbooks.	Recommend textbooks.
Approve the annual budget.	Prepare and submit the annual budget.
Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.	Recommend candidates for employment as certificated and classified staff.

Authorize the allocation of certificated and classified staff.	Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.
Approve contracts for major construction, remodeling, or maintenance.	Recommend contracts for major construction, remodeling, or maintenance.
Approve payment of vouchers and payroll.	Recommend payment of vouchers and payroll.
Approve proposed major changes of school plant and facilities.	Prepare reports regarding school plant and facilities needs.
	The Superintendent will:
Approve collective bargaining agreements.	Supervise negotiation of collective bargaining agreements.
Assure that appropriate criteria and processes for evaluating staff are in place.	Establish criteria and processes for evaluating staff.
Appoint citizens and staff to serve on special Board committees, if necessary.	Recommend formation of <i>ad hoc</i> citizens' committees.
Conduct regular meetings.	As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.
Serve as final arbitrator for staff, citizens, and students.	Inform the Board of appeals and implement any such forthcoming Board decisions.

Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.	Respond and take action on all criticism, complaints, and suggestions, as appropriate.
Authorize the ongoing professional enrichment of its administrative leader, as feasible.	Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.
Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.	Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

NOTE: A copy of the Superintendent's evaluation tool and job description may be included.

Montana Code Annotated References

20-3-324

Description

Powers and duties

20-4-402

Duties of district superintendent or county high school principal

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.602

Description

Definition of Internship

10.55.607

Internships

10.55.701

Board of Trustees

10.55.702

Licensure and Duties of District Administrator -

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

1521

[Board/Superintendent Relationship](#)

2221

[School Emergency and Closure](#)

Procedure 6110-P(3): Superintendent - Evaluation Of Superintendent

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The purpose of the superintendent's evaluation is to establish a method by which the Board of Education may periodically review the job performance of the chief executive officer of the school district. Such a review serves a number of functions:

1. The Board discharges its statutory responsibility to undertake a critical review of the performance of the party;
2. A determination is made as to what the Board of Education expects the superintendent and his staff to accomplish;
 1. The respective roles of the Board and superintendent are clarified;
 1. Problem areas are noted with respect to the superintendent's performance and the school system's needs and a plan for improvement agreed to;
5. Specific strengths and areas requiring improvement of the superintendent's administration are identified;
 1. Effective communication between the Board and superintendent is facilitated.

The Board realizes that it is increasingly important to free the Superintendent from the pressures of special interest groups within the community by ensuring his/her security from the threat of sudden and unjustified dismissal. As a result, the board shall establish specific evaluative criteria reflecting professional competencies for evaluation of the Superintendent's performance and shall be responsible for annually evaluating his/her performance prior to February 1st of each contract year. Should a majority of the Board Membership determine, subsequent to completion of evaluation, that the superintendent's services are considered unsatisfactory s/he will be notified and will be given reasonable opportunity to correct the deficiencies. Renewal of the superintendent's contract will be dictated by the results derived from the established evaluation process.

Montana Code Annotated References

	Description
20-3-324	Powers and duties
20-4-402	Duties of district superintendent or county high school principal

Montana Constitution References

	Description
Article X, section 8	School District Trustees

Administrative Rules of Montana References

	Description
10.55.602	Definition of Internship
10.55.607	Internships
10.55.701	Board of Trustees
10.55.702	Licensure and Duties of District Administrator –

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1521	Board/Superintendent Relationship
2221	School Emergency and Closure

Procedure 6110-P(4): Superintendent - Evaluation of Supt Reg

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

PURPOSE

This evaluation is being conducted to provide the superintendent with the School Board's assessment of his/her strengths and weaknesses relative to performance as the superintendent of this school district. It is the intent that this instrument will serve to provide the superintendent with reinforcement of effective performance and as a guide for change and improvement. Further, it is the intent that this instrument will serve as a catalyst to strengthen the Board/Superintendent working relationship and the achievement of their mutual goal: *to make the school district the most effective it can be in improving K-12 academic achievement.*

PROCESS

Each board member shall complete this evaluation form individually, and each form shall be signed and dated. A designee of the board chair shall prepare a composite evaluation form complete with comments. A copy of that composite shall be provided to the superintendent at the earliest possible time after completion, and copies shall be provided to each board member at the beginning of the executive session designated for discussion of the evaluation.

At the conclusion of the executive session one composite evaluation form, after being signed by the superintendent and the board chair shall be placed in the personnel file of the superintendent. Existing composites shall be attached to the final composition by the superintendent. Signed individual evaluation forms, used as source documents for the composite, shall be given to the superintendent for his/her personal use.

Montana Code Annotated References

20-3-324

Description

Powers and duties

20-4-402

Duties of district superintendent or county high school principal

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.602

Description

Definition of Internship

10.55.607

Internships

10.55.701

Board of Trustees

10.55.702

Licensure and Duties of District Administrator –

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

1521

[Board/Superintendent Relationship](#)

2221

[School Emergency and Closure](#)

Procedure 6110-P(5): Superintendent - Duties of Superintendent

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 10/13/2020 | **Last Reviewed Date:** 10/13/2020

The District Superintendent is the executive officer of the Board and, subject to the direction and control of the Board, he shall:

1. have general supervision of all schools of the district and the personnel employed by the district;
2. implement and administer the policies of the Board of the district;
3. develop and recommend courses of instruction to the Board for their consideration and approval in accordance with the provisions of 20-7-111;
4. select all textbooks and submit the selections to the Board for their approval in accordance with the provisions of 20-7-602;
5. select all reference and library books and submit the selections to the Board for their approval in accordance with provisions of 20-7-204;
6. have general supervision of all pupils of the District, enforce the compulsory attendance provisions of this title, and have the authority to suspend for good cause any pupil of the District;
7. report the cumulative pupil attendance and pupil absence of the District and any other pupil information required by the report form prescribed by the superintendent of public instruction to the county superintendent, or county superintendents when reporting for a joint district, within 10 days after the conclusion of each school semester; and
8. perform any other duties in connection with the District as the Board may prescribe.

Montana Code Annotated References

20-3-324

Description

Powers and duties

20-4-402

Duties of district superintendent or county high school principal

Montana Constitution References

Article X, section 8

Description

School District Trustees

Administrative Rules of Montana References

10.55.602

Description

Definition of Internship

10.55.607

Internships

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

10.55.702

Licensure and Duties of District Administrator –

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

1000-P(1)

[Legal Status, Operation and Organization](#)

1521

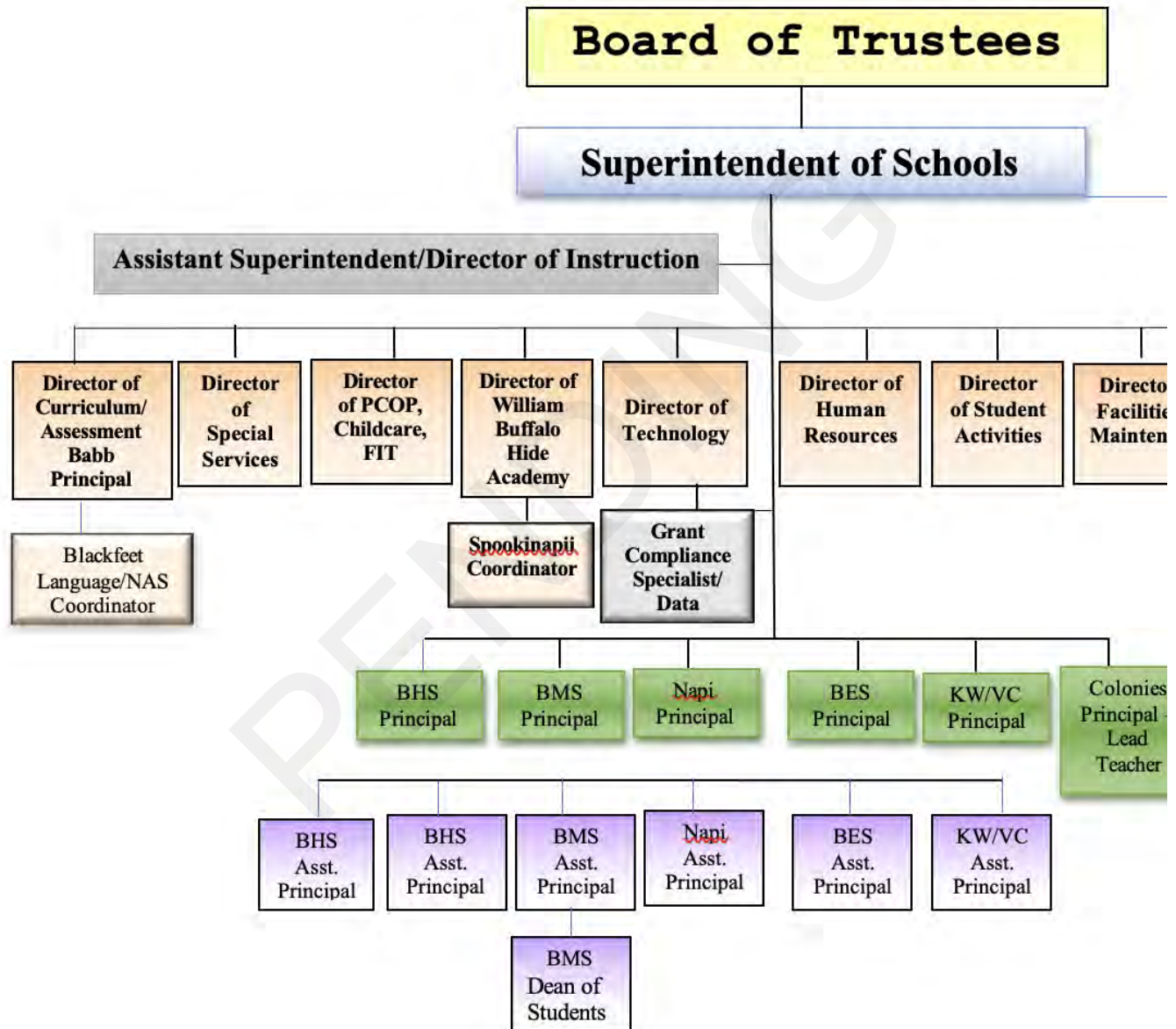
[Board/Superintendent Relationship](#)

2221

[School Emergency and Closure](#)

PENDING

BROWNING PUBLIC SCHOOLS Administrative Line of Authority



Montana Code Annotated References

20-3-324

Description

Powers and duties

Montana Constitution References

Article X, section 8

Description

School District Trustees

Cross References

1000

Description

[Legal Status, Operation and Organization](#)

Cross References

1000-P(1)
1310
1310-P(1)
1310-P(2)
1310-P(3)
1310-P(4)
1310-P(5)

Description

[Legal Status, Operation and Organization](#)
[District Policy and Procedures](#)
[District Policy and Procedures - Handbook Policy](#)
[District Policy and Procedures - Administrative Regulation](#)
[District Policy and Procedures - Administrative Regulation copy](#)
[District Policy and Procedures - Administration in Absence of Policy](#)
[District Policy and Procedures - Handbooks and Manuals](#)

PENDING

Policy 6140: Duties and Qualifications of Administrative Staff Other Than Superintendent

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

As authorized by the Superintendent of Schools, administrative staff shall have full responsibility for the day-to-day administration of the area to which they are assigned. Administrative Staff are governed by the policies of the District and are responsible for implementing the administrative procedures that relate to their assigned responsibilities. All administrative staff will be evaluated by, and report directly to, the superintendent or his/her designee.

The primary responsibility of every administrator employed by Browning Public School is to manage programs in a manner which significantly contributes to measurable student achievement.

To this end, each administrator's duties shall include, but are not be limited to:

1. planning for the improvement of the program for which they are responsible;
2. evaluating that program regularly;
3. recommending to the superintendent budgetary, program, staff and other changes that will enhance the program;
4. advising the superintendent of the impact of proposed policies or other administrative actions on the programs for which they are responsible;
 1. evaluating the performance of staff assigned;
 1. assisting his/her subordinates to improve their performance;
 1. promoting effective working relationships with students, staff and patrons of the district;
 1. supervising the care and maintenance of all facilities to which they are assigned.
 1. all other duties as assigned by the superintendent

Montana Code Annotated References

Description

- | | |
|----------|--------------------------------------------------------------------------------------|
| 20-4-401 | Appointment and dismissal of district superintendent or county high school principal |
| 20-4-402 | Duties of district superintendent or county high school principal |

Administrative Rules of Montana References

Description

- | | |
|-----------|--------------------------------------------------|
| 10.55.602 | Definition of Internship |
| 10.55.607 | Internships |
| 10.55.701 | Board of Trustees |
| 10.55.702 | Licensure and Duties of District Administrator – |

Policy 6141: Employment Restrictions for Administrative Personnel

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 04/13/2021 | **Last Reviewed Date:** 04/13/2021

Superintendent

The School Board expects the Superintendent to devote undiminished attention and energy to the concerns of the school district.

The Superintendent will devote time, skills, labor, and attention to the direction and supervision of the school system and will not, during the term of employment, be engaged in any other business. As a result, the superintendent may not be engaged in long-term consulting activities.

Any business of this nature, which requires the superintendent's absence from the District for three (3) or more days must have the prior approval of the school board.

Other Administrators

The Superintendent must give prior approval for time taken by administrators from the regularly assigned work schedules, for such paid activities as consulting, college teaching, lecturing, and other related employment.

The amount of time lost to the District will be, but is not restricted to being deducted from vacation time; granted as additional personal leave as specified by a written contract; or prorated to a dollar amount to be deducted in the next regularly scheduled pay period.

Time taken from the regular assigned work schedule for non-paid activities shall follow the format established above.

Cross References

5223

Description

[Personal Conduct](#)

Policy 6210: Principals

Status: ADOPTED

Original Adopted Date: 09/30/2008 | **Last Revised Date:** 04/13/2021 | **Last Reviewed Date:** 04/13/2021

Principals

Principals are the chief administrators of their assigned schools. The primary responsibility of Principals is the development and improvement of instruction. The majority of the principals' time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school's budget, and communication between the school and the community. Principals will be evaluated on their instructional leadership ability and their ability to maintain a positive education and learning environment.

Evaluation

Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b). Each administrator will be evaluated annually, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the district. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within a reasonable time following the evaluation conference.

Qualifications

All administrative personnel must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, or be considered appropriately assigned if the administrator is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607, and must meet other qualifications as specified in their position's job description.

Administrative Work Year

The administrators' work year will correspond with the district's fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the administrators will have vacation periods as approved by the Superintendent.

Compensation and Benefits

Administrators will receive compensation and benefits as stated in their employment agreements.

Montana Code Annotated References

20-4-403

Description

Powers and duties of principal

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

10.55.703

Licensure and duties of principal

Policy 6410: Evaluation of Administrative Staff

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Revised Date:** 04/13/2021 | **Last Reviewed Date:** 04/13/2021

Each administrator shall be evaluated by the superintendent, or his designee annually in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation shall be based on the appropriate administrative job description, successful completion of professional performance objectives and the accomplishment of annual goals related to student learning and performance objectives.

The primary responsibility of every administrator employed by Browning Public Schools is to manage programs in a manner, which significantly contributes to *measurable* student achievement.

The superintendent shall establish procedures for the conduct of these evaluations.

Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within a reasonable time following the evaluation conference.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees

Policy 7000: Goals

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/29/1999 | **Last Reviewed Date:** 01/29/1999

Goals

Since educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the purposes intended.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the district must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of district management and operation.

In the district's fiscal management, the Board seeks to achieve the following goals:

1. Engage in advance planning, with staff and community involvement to develop budgets that will achieve the greatest educational returns in relation to dollars expended.
2. Establish levels of funding which shall provide superior education for the district's students, knowing that providing direct services to students with regard to teaching and learning will always have priority.
3. Provide timely and appropriate information to staff who will have fiscal responsibilities.
4. Establish efficient procedures in all areas of fiscal management.

Montana Code Annotated References

Title 20, Chapter 9

Description

Finance

Policy 7110: Budget and Program Planning

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

A district's annual budget is evidence of the Board's commitment to the objectives of the instructional programs. The budget supports the immediate and long-range goals and established priorities within all areas, instructional, non-instructional and administrative programs as expressed in the strategic plan.

Prior to presentation of the proposed budget for adoption, the Superintendent shall prepare for the Board's consideration appropriate supporting documentation recommendations which shall be designed to meet the needs of students within the limits of anticipated revenues.

Program planning and budget development shall provide for staff participation and the sharing of information with patrons prior to action by the Board.

Cross References

1400

Description

[Board Meetings](#)

PENDING

Procedure 7110-P(1): Budget and Program Planning

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

Budget Planning

Budget planning shall be an integral part of overall program planning so that the budget effectively reflects the District's programs and activities and provides the resources to implement them. In the budget planning process, general educational goals, specific program goals, and alternative for achieving program goals shall be considered, as well as input from the District-and campus-level planning and decision-making committees. Budget planning and evaluation are continuous processes and shall be a part of each month's activities.

Curriculum Driven Budgeting

The District's budget development process will include the following components:

- Tangible, demonstrable connections between the district's needs assessment data and the allocation of resources.
- Rank ordering of program components to allow flexibility based on critical needs or priorities.
- Key educational staff, including teachers and administrators set budget priorities in budget allocations through the district's decision-making process.
- The cost benefits of key program areas will be used in the budget decision making.
- Major budget requests (>\$5,000) compete with each other for funding based upon need and relationship to student achievement.

Availability of Proposed Budget

After it is presented to the Board and prior to adoption, a copy of the proposed budget shall be available upon request from the business office or Superintendent. The Superintendent or designee shall be available to answer questions arising from inspection of the budget.

Cross References

1400

Description

[Board Meetings](#)

Policy 7121: Budget Adjustments

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

As of June 30, the last day of the fiscal year, all appropriations for a budgeted fund shall lapse with the exception of:

1. Uncompleted improvements in progress of construction; and
2. Any obligation for the purchase of personal property ordered but not paid for during the current fiscal year, which is properly obligated with the county treasurer.

Claims presented under a lapsed appropriation shall be an obligation of the budget for the next fiscal year.

Montana Code Annotated References

Montana Code Annotated References	Description
20-9-133	Adoption and expenditure limitations of final budget
20-9-161	Definition of budget amendment for budgeting purposes
20-9-162	Authorization for budget amendment adoption
20-9-163	Resolution for budget amendment – petition to superintendent of public instruction
20-9-164	Notice of budget amendment resolution
20-9-165	Budget amendment limitation, preparation, and adoption procedures
20-9-166	State financial aid for budget amendments
20-9-208	Transfers among appropriation items of fund – transfers from fund to fund

Cross References

Cross References	Description
1400	Board Meetings

Policy 7210: Revenues

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The school district will seek and utilize all available sources of revenue for financing its educational programs. This includes revenues from non-tax, local, state and federal sources. All revenues received for the school district will be properly credited to the appropriate fund and account as specified by federal and state statute and the accounting and reporting regulations for Montana school districts.

The District Superintendent or his/her designee shall be the authorized representative of federal programs.

Montana Code Annotated References

Description

Title 20, Chapter 9

Finance

PENDING

Policy 7220: Title I Supplement Supplant

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Reviewed Date:** 05/11/2021

The School District will ensure that Federal Title I funds are used only to supplement, and not supplant, state and local funds that would, in the absence of federal funds, be spent on Title I programs or services supported by federal funds.

Title I Funds will not take the place of funds supporting education services that are to be provided to all students. The School District uses Title I funds only to supplement funds that would, in the absence of Title I funds, be made available from state and local non-Federal sources for the education of children participating in Title I programs.

United States Code References

Description

Title 20, Chapter 70, Subchapter I

Improving the Academic Achievement of the Disadvantaged

PENDING

Procedure 7220-P(1): Title I Supplement Supplant - Title I Financial Management

Status: ADOPTED

Original Adopted Date: 05/11/2021 | **Last Revised Date:** 08/30/2023 | **Last Reviewed Date:** 08/30/2023

In accordance with the “Every Student Succeeds Act” (ESSA), Browning School District has adopted this procedure to ensure that Title I-A federal funds are supplementing District resources and not supplanting District resources. The procedure documents that the School District’s neutrally determined distribution of state and local funds to each school within the boundaries of the School District is in compliance with federal law.

Browning School District is a district with multiple schools per grade spans and adopts this methodology in accordance with ESSA. For the purposes of this methodology elementary means grades K-8 and secondary means grades 9-12.

The School District determines the resource allocation on total enrollment for each school as if the state and local funds are the only resources each school is receiving. Each school is given additional allocations for other needs such as technology, supplies, and additional necessary costs.

The School District groups schools by elementary or secondary grade span. Each grade span may receive a different per student amount, but all schools are treated the same whether or not these schools are served under Title I-A.

United States Code References

Description

Title 20, Chapter 70, Subchapter I

Improving the Academic Achievement of the Disadvantaged

Policy 7231: Federal Impact Funds

Status: ADOPTED

Original Adopted Date: 03/09/1999 | **Last Revised Date:** 01/08/2013 | **Last Reviewed Date:** 01/08/2013

Overview: Since educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state and federal funds allocated for use in public education, the Board shall, through planning and budgeting, set aside a portion of the Impact Aid Section 3 Payments, excluding payments for Children with Disabilities, for constructing new facilities, land, and debt service.

Indian Policies and Procedures: The District will inform the Blackfeet Tribal Business Council and parents of Indian children regarding the planning and budgeting of Impact Aid Section 3 Payments expended or to be expended for constructing new facilities, land, and debt service.

Implementation: During the budgeting process the Board of Trustees will review the revenue from Impact Aid Section 3 Payments, excluding payments for Children with Disabilities, and will reserve no less than 15% of said payments for constructing new facilities, land, and debt service. *The Board of Trustees may choose to reserve an amount greater than 15%.*

Length of program: In order to achieve significant results for the future of new schools in our district this policy shall remain in effect for no less than either fifteen years or until the district has otherwise realized resources to build adequate schools.

Explanation of allowed use of expenditures related to this policy: The reserve may be used for the purchase of land directly related to the construction of new schools, and for constructing new facilities and payment of debt service on debt incurred where the proceeds of said debt were expended for constructing new facilities.

Further, the reserve may be used for the following expenditures directly related to the construction of new schools: soil testing, site surveys, phase 1 hazardous material surveys, environmental assessments, system development fees to connect to city utility systems, on/off site utilities, planning/design fees, building permit fees, construction testing for construction, concrete, compaction, and site inspectors, landscape design, and rough site grading.

The reserve may not be used for expenditures related to improvements, maintenance or renovation of existing facilities, additions, or modular classrooms. The Board may suspend this policy when deemed necessary "on a project by project" basis.

Investment earnings related to the reserve amount shall be allowed to accumulate in the reserve.

Cross Reference

United States Code References

20 U.S.C. 7701, et seq.

Description

The Impact Aid Program - Title VIII of the Elementary and Secondary Education Act

Code of Federal Regulations References

34 CFR 222.94

Description

The Impact Aid Program

Policy 7250: Rental or Lease of District Property

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The Board of Trustees through the Superintendent of Schools or his/her designee shall be authorized to rent or lease the real and personal property of the school district. Such property shall be rented or leased for lawful purposes only. The rental or lease shall be in the best interest of the school district and shall not interfere with the conduct of the district educational program and related activities. Appropriate insurance requirements per policy #9335 will be made of the lessee. Proceeds from the rental or lease of property shall be deposited and expended according to statutory provisions.

The Board of Trustees authorizes the Superintendent of Schools or his/her designee to establish the procedures and the rental fees for the rental and leasing of school district real and personal property.

Montana Code Annotated References

Description

20-6-607

Leasing district property and disposition of any rentals

PENDING

Policy 7251: Disposal of School District Property

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Reviewed Date:** 09/29/1999

The Board has the authority to dispose of all district property. This power shall be exercised only when the qualified electors of the district approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with 20-6-204 MCA.

Receipts from the sale of real property shall be placed into the debt service fund, building fund, general fund or any combination of these three funds at the discretion of the trustees.

Montana Code Annotated References

Description

20-6-603

Trustees' authority to acquire or dispose of sites and buildings - when election required

20-6-604

Sale of property when resolution passed after hearing

PENDING

Policy 7260: Endowments, Gifts, and Investments

Status: ADOPTED

Original Adopted Date: 09/27/2000 | **Last Reviewed Date:** 09/27/2000

Endowments, Gifts, and Investments

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor. Endowments received by the District will be deposited to an endowment fund as an expendable or nonexpendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate. Unless conditions of an endowment instrument require immediate disbursement, the Board will invest money deposited in the endowment fund according to the provisions of the Uniform Management of Institutional Funds Act (Title 72, chapter 30, MCA).

The Board authorizes the Superintendent to establish procedures for determining the suitability or appropriateness of all gifts received and accepted by the District.

Once accepted, donated funds are public funds subject to state law. Donated funds may not be transferred to a private entity. Benefactors may not adjust or add terms or conditions to donated funds after the donation has been accepted.

The Board directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the District. Funds not needed for current obligations may be invested in investment options as set out in Montana statutes, whenever it is deemed advantageous for the District to do so.

Educational Foundations may exist in the community, but are not managed, directed, or approved by the Board of Trustees.

Any gifts, grants, bequests or individual contributions, for the purpose of student scholarships, must be presented to the school district accompanied by a letter from the donor for recognition by the Board of Trustees.

Any donation \$5,000.00 or greater will be brought to the Board of Trustees for approval.

Gifts, bequests, grants or scholarships are acceptable given the following constraints:

- have a purpose consistent with those of the school;
- be offered by a donor acceptable to the Board;
- not add to staff load;
- not begin a program that the Board would be unwilling to take over when gift or grant funds are exhausted;
- not bring undesirable or hidden costs to the school system;
- place no restriction on the school board unless otherwise stipulated by a majority vote of the Board of Trustees;
- not be inappropriate or harmful to the best education of pupils;
- not imply endorsement of any business or product; and
- not be in conflict with any provision of the school code or public law.

All gifts, grants, and bequests will become school district property. Before approval by the Board, all donors will consult with the Superintendent before gifts are presented to ensure usability of donation.

Montana Code Annotated References

20-6-601

20-7-803

20-9-212

20-9-213

20-9-604

Description

Power to accept gifts

Authority to accept gifts

Duties of county treasurer

Duties of trustees

Gifts, legacies, devises, and administration of endowment fund

Cross References

3150

3550

3550-NF(1)

4210

7425

7425-P(1)

Description[Part-Time Enrollment](#)[Student Clubs](#)[Student Clubs - Student Club or Group form](#)[School-Support Organizations, Boosters and Fundraising](#)[Extra-Curricular Funds](#)[Extra-Curricular Funds - Extracurricular Funds](#)

PENDING

Policy 7310: Budget Implementation and Execution

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

Once adopted by the Board of Trustees, the operating budget shall be administered by the Superintendent's designees. All actions of the Superintendent or his/her designee in executing the programs and/or activities delineated in that budget are authorized only under the following provisions:

1. Expenditure of funds for the employment and assignment of staff shall meet the legal requirements of the State of Montana and adopted Board policies;
2. Funds held for contingencies may not be expended without approval from the Board;
3. A listing of expenditures describing goods and/or services must be presented for Board ratification each month.
4. Purchases shall be made according to the legal requirements of the State of Montana and adopted Board policy.

Montana Code Annotated References

Description

20-3-332

Personal immunity and liability of trustees

20-9-213

Duties of trustees

Policy 7320: Purchasing

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The board directs that all vendors doing business with the school district be approved and authorized by the Superintendent or his/her designee. All purchases for goods and services must be limited to authorized vendors only. Vendors are required to follow established procedures for the acquisition and purchase of goods and services specified by the school district which are intended to ensure conformity in the purchasing process.

The Superintendent of Schools or his/her designee is authorized to establish the procedures for approving school district vendors.

Montana Code Annotated References

	Description
18-1-101, et seq.	Preferences and General Matters
18-1-201, et seq.	Bid Security
18-4-307	Cancellation of invitations for bids or
20-10-110	School bus purchases - contracts - bids
20-9-204	Conflicts of Interest letting contracts, and calling for bids -- exceptions
49-3-101, et seq.	Montana Human Rights Act
Title 30, Chapter 20	Financial Industry Nondiscrimination

Cross References

	Description
1332	Authorization of Signatures
1332-P(1)	Authorization of Signatures - Consultants
1332-P(2)	Authorization of Signatures - School District Bank Accounts
8210	Procurement for Food Service

Policy 7325: Accounting System Design

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The District accounting system shall be established to present, with full disclosure, the financial position and results of the financial operations of the District funds and account groups in conformity with generally accepted accounting principles as set forth by the Governmental Accounting Standards Board (GASB) and as explained in the Codification of Governmental Accounting and Financial Reporting Standards published by GASB. The accounting system must be in compliance with the accounting system requirements established by legislative action and the Office of Public Instruction. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

PENDING

Policy 7326: Documentation and Approval of Claims

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

All financial obligations and disbursements must be documented in compliance with the statutory provisions and audit guidelines. The documentation will specifically describe acquired goods and/or services, the budget appropriations applicable to payment, and the required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator, designated by the superintendent with the authority, responsibility and control over the budget appropriations and countersigned by the superintendent or the Director of Finance. The responsibility for approving these documents cannot be delegated.

The Director of Finance will be responsible for the development of the procedures and forms to be used in the requisition, purchase and payment of claims.

In addition, a list of claims will be presented to the Board monthly in a legally convened meeting. The Superintendent or his/her designee will have the authority to issue payment for district claims or student activity claims under \$10,000.00 except for payment for recurring monthly expenditures such as utilities and fuel costs, and payment for contracts that have been approved at a legally convened meeting of the Board of Trustees. Also exempt from prior approval are payments to Acadia/Altacare Mental Health Center, flow through money that does not affect any budgeted funds. Warrants exceeding \$10,000 will be presented to the board for approval prior to issuance.

Montana Code Annotated References

	Description
2-6-1003	Access to Public Information
2-6-1006	Public Information requests - fees
20-3-324	Powers and duties

Montana Constitution References

	Description
Article II, Section 9	Right to know

Cross References

	Description
1000	Legal Status, Operation and Organization
1000-P(1)	Legal Status, Operation and Organization
1400	Board Meetings
1401	Records Available to Public

Policy 7329: Petty Cash Funds

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

The use of petty cash accounts shall be authorized for minor purchases only. The petty cash accounts are for purchases under the amount of \$50.00. Individual personal reimbursements and purchases, which exceed \$50.00, should not be made from petty cash funds. Petty cash accounts will be maintained as cash on hand, and the total dollar amount of each petty cash account and change box will be limited to amounts set by the Superintendent pursuant to procedure #R.

Each administrator of a school or department with a petty cash account or change box will appoint and designate a fund custodian to carry out the bookkeeping and security of the accounts. All school district petty cash accounts will be handled on an imprested basis. (The actual amount of cash on hand plus the petty cash receipts should equal the original petty cash amount.) Monies, which are not specifically petty cash monies, shall not be co-mingled with the petty cash account. At the conclusion of each school year, all petty cash accounts and change boxes must be closed out and the petty cash vouchers and cash on hand returned to the business office for processing.

The Director of Finance shall be responsible for establishing the procedures involving the use and management of petty cash accounts and change boxes.

PENDING

Policy 7330: Payroll Procedures

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

Employment of all certified, and classified staff must be approved by the Board of Trustees in all circumstances. Authority to pay for such services rendered follows this approval. The Board may act on behalf of individual staff to deduct a certain amount from the staff member's salary warrant and remit an agreed amount to a designee of the staff member, e.g., credit union, savings account, etc. No deductions may be made from the wages of a staff member except for federal and state income taxes, social security, medical insurance and state retirement, without the consent of the employee or a legally administered wage attachment. The superintendent or his/her designee shall establish procedures for the payment of all staff.

United States Code References

Description

26 USC 409A

Deferred compensation

PENDING

Policy 7336: Travel Allowances and Expenses

Status: ADOPTED

Original Adopted Date: 06/30/1997 | Last Reviewed Date: 06/30/1997

Travel Allowance Schedule
Approval:

In State
 Supt. Approved

Out of State
 Supt. Recommended
 & Board Approved

Transportation:

District Vehicle none
 Private Car as per State rate
 Public Transportation actual cost

none
 as per State rate
 actual cost

Per Diem (see Administrative Procedure):

Per 24-hour day and overnight \$51.00
 Plus Motel

\$105.00
 Plus Motel

Luggage:
(Paid with Per Diem)

Match Airline Costs
 Request if taking 2 (max)

In State: Breakfast \$ 14.00 (prior to 8:00 a.m.)
 Lunch \$17.00 (Leave by 11:00 a.m.)
 Supper \$20.00 (5:00 p.m.)

Out of State: Breakfast \$23.00
 Lunch \$35.00
 Supper \$47.00

Miscellaneous

- 7380.1 Approval of Travel: The superintendent will approve all employee travel. Professional growth out of state travel must be reviewed and approved by the superintendent before consideration by the Board of Trustees for final approval.
- 7380.2 Employees Use of Private Cars: Private cars used by school district employees for school district business must be pre-approved by the superintendent of schools.
- 7380.3 Advance Payments: A 100% advance payment will be made when the request for travel has been approved by the superintendent and/or Board of Trustees. Upon return from a trip, the motel bill must be turned into the Accounts Payable Clerk.

Montana Code Annotated References

2-18-501
 2-18-502
 2-18-503

Description

Meals, lodging, and transportation of persons in state service
 Computation of meal allowance
 Mileage - allowance

Policy 7405: Procurement Cards

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Reviewed Date:** 01/11/2011

The following procedures shall be in effect for the use of the purchasing cards:

Purpose

The goal of the Browning Public Schools Purchasing Card is to eliminate the inconvenience of traveling with purchase orders for rooms and car rental.

The Purchasing Card Program is not intended to replace the existing procedures for travel, i.e. all travel is subject to board approval and must comply with the Travel Allowance Policy #7336.

The Purchasing Card program carries District liability, not individual liability. Trustees and employees will not be required to pay their monthly charges using personal funds, provided the purchases are within acceptable district policies. Use of the card does not impact the Trustee's or employees' personal credit rating. However, trustees and employees are responsible for safeguarding the card as if it were their personal card.

Use and Control of the Card

A. Authorization

1. Authorization controls are set in accordance with the District's purchasing and accounting guidelines. The Director of Finance will control and maintain a central listing of all cardholders and their limits.
2. Each card will be assigned a default General Ledger Account that all transactions on that card will be charged to when paid. The Finance Office will reconcile monthly billings to approved travel request and report any differences to the Superintendent.

B. Allowed Uses

- Travel expenses (airline, lodging, rental car).
- Merchandise and food approved through the purchase order process.

C. Disallowed Uses

- Alcoholic beverages, drugs, pharmaceutical products or other controlled substances.
- Payment to individuals, employees or students for any reason.
- Cash Advances.
- Purchases outside the United States or from any foreign vendors.

D. Card Control

- (1) Individual Cards
- (2) Issuance of Cards

E. New Cards

The following steps are to be taken to obtain a new purchasing card:

1. After Board approval, the trustee reviews and signs the "Purchasing Card Trustee Agreement"
2. District employees must sign the "Purchasing Card Use Agreement."

F. Cancellation of Cards

1. The finance office will cancel the card at the time the trustee leaves office.

2. District employee cards will be assigned by the department not by individual.

G. Record Retention

The cardholders are required to obtain both a sales slip, which is signed by the cardholder, and a detailed cash register receipt from the merchant. The cardholders must deliver such documentation to the finance office within two business days of return from travel.

H. Transaction Dispute Process

In the event that a problem with a transaction arises, the cardholder is responsible for cooperating with the Finance Department for resolving the dispute. If the discrepancy is due to a merchant error, the finance department should contact the merchant within 5 days of receiving their statement to rectify the problem. If the merchant agrees that an error has been made, the correction must be credited to the card. Cash or check refunds are strictly forbidden.

I. Lost or Stolen Cards

Trustees and District employees shall immediately notify the bank in the event of a possible loss, theft, or unauthorized use of the Card by notifying the Bank by phone at (800) 361-3361 or by fax notice to the Bank at (888) 224-5394. Trustees and District employees shall also immediately notify the business manager of possible loss, theft, or unauthorized use of the Card. The District business manager is the only District employee who can request a new or replacement card.

Montana Code Annotated References

2-7-503

Description

Financial reports and audits of local government entities

PENDING

Notice Form 7405-NF(1): Procurement Cards - Purchasing Card Use Agreement

Status: ADOPTED

Original Adopted Date: 06/13/2000 | **Last Revised Date:** 01/11/2011 | **Last Reviewed Date:** 01/11/2011

TRUSTEE PURCHASING CARD AGREEMENT
AGREEMENT

FOR THE USE OF Purchasing Card
Agreement to Accept the Purchasing Card

BETWEEN:

THE BOARD OF TRUSTEES OF BROWNING PUBLIC SCHOOL DISTRICT #9

(Hereinafter called

"The Owner"

OF THE FIRST PART)

-and-

(Hereinafter called

"The User"

OF THE SECOND PART)

AGREEMENT

WHEREAS the Purchasing Card represents the School District's trust in you. You (the User) are empowered as a responsible agent to safeguard School District assets. Your signature on the reverse side is verification that you have read the Purchasing Card Policy and agree to comply with the Purchasing Card guidelines as set out therein, as well as the following responsibilities:

understand the card is for District approved travel only, and I agree not to charge purchases outside the parameters described in the Purchasing Card Policy. I cannot use the Purchasing Card for personal purchases. Including the accumulation of air mile points.

improper use of the card can be considered misappropriation of District funds.

understand the purchasing card must be surrendered within two days of return of travel.

will maintain the proper security of the purchasing card. If the purchasing card is stolen or lost I agree to immediately notify First Interstate Bank of Billings MasterCard and Director of Finance by telephone. I will confirm the telephone call with a written notice sent by mail or facsimile and copied to the Director of Finance.

The card is issued in my name. I will not allow any other person to use my card. I am considered responsible for any and all charges against the card.

All charges will be directly to me and paid by the district. The First Interstate Bank cannot accept any monies from me directly therefore, any personal charges billed to the district could be considered misappropriation of district funds.

As the card is district property, I understand that I am required to comply with internal control procedures designed to protect district assets. This includes providing receipts of expenditures within two business days upon return from travel.

Since I am responsible for all charges (but not for payment) on the card, I will resolve any discrepancies by cooperating with the Director of Finance. All finance charges for discrepancies as a result of inappropriate charges will also be paid within 5 working days or charges will be filed.

The charges made against my card are automatically paid against the budget code assigned to the purchasing card as specified on the purchasing card application form.

I understand the purchasing card is checked out to me just prior to approved travel. I understand the card is not an entitlement nor is it remuneration.

Any violation of this policy shall result in immediate cancellation of credit card.

This document outlines the responsibilities I have as a holder of the Browning Public School Purchasing Card. My signature indicates that I have read and understand the responsibilities and agree to adhere to the guidelines established for the program.

Name _____ School/Location _____

Signature _____ Date _____

Adopted on: 6/13/00

Revised on: 10/13/09, 1/11/11

PURCHASING CARD USE AGREEMENT

AGREEMENT made this _____ day of _____, 20_____, Montana (hereinafter the "Board"), and _____, residing at Browning, Montana. (hereinafter the "Faculty/Staff Member").

WITNESSETH:

WHEREAS, by this Agreement the Faculty Member has been entrusted with a procurement credit card ("p-Card") for use in the purchase of goods and services solely and exclusively for the authorized business purposes of the Board; and

WHEREAS, the Faculty Member agrees to abide by the terms and conditions of the p-Card herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, it is agreed by the Board and the Faculty/Staff Member as follows:

1. The Board hereby issues the Faculty/Staff Member p-Card No._____.

2. The Faculty/Staff member hereby agrees to pick up the p-Card the day before the purchase and return it the day after the purchase complete with receipts and such other reasonable documentation of goods or services purchased as requested by the Business Manager or Superintendent.
3. The Faculty/Staff member shall not use the p-Card for the purchase of any goods or service that is not specifically authorized by the prepared purchase order.
4. Faculty/Staff Member shall immediately notify the bank in the event of a possible loss, theft, or unauthorized use of the Card by notifying the Bank by phone at (800) 361-3361 or by fax notice to the Bank at (888) 224-5394. Faculty/Staff Member shall also immediately notify the business manager of possible loss, theft, or unauthorized use of the Card.
5. By executing this Agreement, Faculty Member expressly authorizes any such payroll deduction as may be necessary for the collection of any and all costs and expenses (including attorney's fees and expenses) arising from the use of the p-Card by the Faculty Member for improper or unauthorized expenditures. Faculty Member further acknowledges that any improper or unauthorized use of the p-Card may result in disciplinary action, up to and including a possible recommendation for termination of their employment.
6. This Agreement may not be modified in any way without the approval of the Board.

BOARD OF EDUCATION OF BROWNING PUBLIC SCHOOLS
 By:

Its Superintendent/Business Manager

Faculty/Staff Member

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

Adopted on: 1/11/11

Montana Code Annotated References

2-7-503

Description

Financial reports and audits of local government entities

Policy 7410: Fund Accounting System

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

The Board of Trustees directs that all school district funds which have served their purpose and which are no longer needed shall be closed. At the conclusion of each fiscal year, a review of all school district funds shall be conducted to determine if any funds have ceased their activity and need to be closed. A report showing all funds and their balances which need to be closed shall be presented to the Board of Trustees for approval of the transfer of any remaining cash balances to another appropriate fund as specified by law.

PENDING

Policy 7425: Extra-Curricular Funds

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Reviewed Date:** 12/02/1998

The Board of Trustees is responsible for the establishment and management of student extra-curricular funds. The purpose of student extra-curricular funds shall be to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check in a bank account maintained by the school district for student extra-curricular funds. The use of the student extra-curricular funds is limited to the benefit of the students. Students shall be involved in the decision-making process related to the use of the funds.

The establishment of a student extra-curricular fund and all its subsidiary student organization and activity accounts and any subsequent changes or transfers are subject to the approval of the Board of Trustees.

The Board of Trustees authorizes the Superintendent of Schools to designate the fund custodians and to establish the accounting procedures for all student extra-curricular funds. The accounting procedures must be in compliance with the guidelines established by the State of Montana, Office of Public Instruction, and Division of Local Government Services.

Montana Code Annotated References

2-7-503

Description

Financial reports and audits of local government entities

20-9-504

Extracurricular fund for pupil functions

20-9-604

Gifts, legacies, devises, and administration of endowment fund

Cross References

3150

Description

[Part-Time Enrollment](#)

3550

[Student Clubs](#)

3550-NF(1)

[Student Clubs - Student Club or Group form](#)

4210

[School-Support Organizations, Boosters and Fundraising](#)

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[Endowments, Gifts, and Investments](#)

Procedure 7425-P(1): Extra-Curricular Funds - Extracurricular Funds

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The following is the procedure for handling of all extra-curricular monies.

It is the responsibility of the principal and sponsor of a group or activity to see that all monies of said group are collected and deposited with the fund custodian at the business office. Interest earned on investments of funds from the extra-curricular groups or activities shall be distributed on a prorated basis to the account of each group or activity. Furthermore, said principal and sponsor will be knowledgeable of all debts incurred through the operation of said organization or activity and will be responsible to ensure that incurred debts are by purchase order and signed by the sponsor and principal.

The finance custodian will be responsible for depositing all extra-curricular monies in a bank account, for writing checks for requested payments of said monies, for keeping accurate records of all deposits and withdrawals, for disbursing earned interest to accounts and for publishing monthly statements as to the status of all extra-curricular accounts. Said monthly statement appears in the board agenda for review.

The sponsor shall be responsible to see that accurate minutes are kept of all approved expenditures, that the expenditures are also approved by the sponsor and forwarded to the principal in the form of a purchase order or requisition for final approval. No principal and sponsor may obligate monies without student approval and no student may obligate monies without principal and sponsor approval.

Annually, on or before September 30, the Superintendent will provide a list of fund custodians to the Board of Trustees.

Montana Code Annotated References

2-7-503	Financial reports and audits of local government entities
20-9-504	Extracurricular fund for pupil functions
20-9-604	Gifts, legacies, devises, and administration of endowment fund

Cross References

	Description
3150	Part-Time Enrollment

Cross References

3550

3550-NF(1)

4210

7260

Description

[Student Clubs](#)

[Student Clubs - Student Club or Group form](#)

[School-Support Organizations, Boosters and Fundraising](#)

[Endowments, Gifts, and Investments](#)

PENDING

Policy 7430: Financial Reporting and Audits

Status: ADOPTED

Original Adopted Date: 12/02/1998 | **Last Revised Date:** 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The Board of Trustees directs that school district audits shall be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the school district and the school district funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. An audit will be conducted annually. The school district's audits may be conducted by the staff of the Department of Commerce, or the audits may be conducted by an independent auditor under the rules and regulations established by the Department of Commerce.

Montana Code Annotated References

Description

2-7-501	Audits of political subdivisions
2-7-503	Financial reports and audits of local government entities
20-9-212	Duties of county treasurer
20-9-213	Duties of trustees

PENDING

Policy 7500: Property Records

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

Property records and inventory records shall be maintained on all land, buildings and physical property under the control of the District.

For purpose of this policy, "equipment" shall mean a unit of furniture, an instrument, a machine, or an apparatus that retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The Superintendent or his/her designee shall ensure that inventories of equipment are systematically and accurately recorded and are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Property records of facilities and other fixed assets shall be maintained on an ongoing basis.

The District shall perform a physical inventory of its capitalized fixed assets, either simultaneously or on a rotating basis, so that all of its assets are physically accounted for at least once every five years.

Property records shall show, as appropriate to the item recorded, the:

1. description and identification
2. manufacturer
3. date of purchase
4. initial cost
5. location
6. condition and depreciation
7. fund from which purchased

Equipment may be identified with a permanent tag that provides appropriate district and equipment identification.

Montana Code Annotated References

20-6-602

Description

Trustees' power of property

20-6-608

Authority and duty of trustees to insure district property

Cross References

1401

Description

[Records Available to Public](#)

Policy 7510: Capitalization Policy for Fixed Assets

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

A fixed asset is an individual property item that meets all of the following requirements:

1. Must be tangible in nature.
2. Must have an estimated useful life of at least two years following the date of acquisition.
3. Must be of significant value.
4. Must be used in conducting the District's activities.

They include land, buildings, machinery, furniture and other equipment which the District intends to hold or continue to use over a long period of time.

Fixed assets may be acquired through donation, purchase or may be self-constructed. The asset value for donations will be the fair market value at the time of the donation. The asset value, when purchased, will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the materials used and the cost of labor involved in the construction of the asset.

The following significant values will be used for different classes of assets:

- Class of Fixed Asset Significant Value
- Equipment and Machinery \$5,000.00 or more, per item
- Buildings -- Improvements \$5,000.00 or more
- Land any amount

Policy 7515: GASB 54

Status: ADOPTED

Original Adopted Date: 03/28/2012 | **Last Reviewed Date:** 03/28/2012

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

I. PURPOSE

The fund balance policy establishes a framework for the management of all excess funds managed by Browning School District 9. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

II. SCOPE

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the Browning School District, Browning, Montana. These funds are accounted for in the District's annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

III. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: non-spendable, restricted, committed, assigned, and unassigned.

IV. DEFINITIONS

- Fund balance*---means the arithmetic difference between the assets and liabilities reported in a school district fund.
- Committed fund balance*—amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint

- C. *Assigned fund balance*—amounts a school district *intends* to use for a specific purpose; intent
- D. can be expressed by the District or by an official to which the Board of Trustees delegates the authority

- E. *Non-spendable 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)

- F. *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

- G. *Unassigned fund balance*—amounts that are available for any purpose; these amounts are reported only in the general fund.

V. MINIMUM FUND BALANCE

The school district will strive to maintain a minimum unassigned general fund balance of 10% percent of the annual budget.

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.

VI. 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.

VII. 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 Director of Finance. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

VIII. REVIEW

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

Government Accounting Standards Board References	Description
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Statement 54	Fund Balance Reporting and Governmental Fund Type Definitions
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PENDING

Policy 7520: Independent Investment Accounts

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Reviewed Date:** 09/29/1999

The District will attempt to acquire building sites in advance of the actual construction of facilities in order to minimize delay in construction projects and to realize financial savings to the District. The Board will periodically review its inventory of land in light of growth trends in the District and make such transactions as it determines shall best meet the future needs of the District.

In acquiring a new site, the Board must first secure the approval of the qualified electors before any contract for the purchase of such site is entered into, except that trustees may take an option on a site prior to the site approval election. The Board may acquire property contiguous to a school site in use without such vote. Site approval also is not necessary if it was specifically mentioned in a fund-raising issue, which was subsequently approved by the electorate.

Bonds

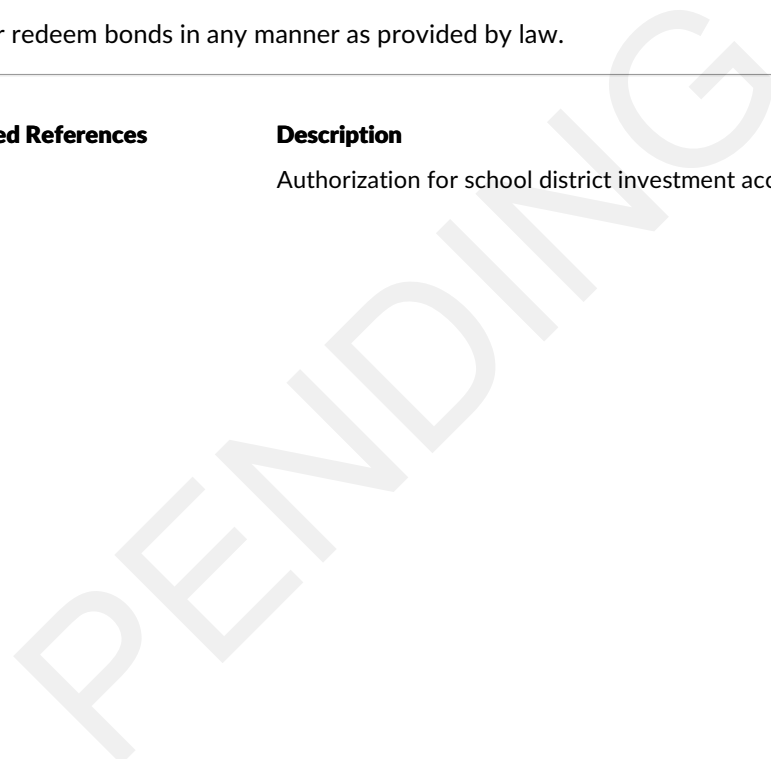
The Board may issue or redeem bonds in any manner as provided by law.

Montana Code Annotated References

20-9-235

Description

Authorization for school district investment account



Policy 7535: Electronic Signatures

Status: ADOPTED

Original Adopted Date: 07/27/2016 | **Last Reviewed Date:** 07/27/2016

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Electronic signatures or digital signatures can take many forms and can be created using many different types of technology. For the purpose of this policy an electronic signature means any electronic identifier intended by the person using it to have the same force and effect as a manual signature.

District Use of Electronic Signatures

When not practical or possible to have an approved individual physically sign a document, and not otherwise prohibited by applicable laws, electronic signatures may satisfy the requirement of a written signature when transacting business with and/or for the District and/or with parents/guardians when the authenticity and reliability of such electronic signature(s) meets the provisions of this policy. In such instances, the electronic signature shall have the full force and effect of a manual signature.

In order to qualify for acceptance of an electronic signature the following additional requirements are applicable:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing the document with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature, as well as the documents to which it is affixed, cannot be altered once the electronic signature is affixed. If the document needs to be altered, a new electronic signature must be obtained; and
4. The electronic signature conforms to all other provisions of this policy.

The District shall maintain District electronically signed records in a manner consistent with the District's document retention policies yet also capable of accurate and complete reproduction of the electronic records and signatures in their original form. Such retention should include a process whereby the District can verify the attribution of a signature to a specific individual, detect changes or errors in the information contained in the record submitted electronically and protect and prevent access and/or manipulation or use access/use by an unauthorized person.

The District shall maintain a hardcopy of the actual signature of any District employee authorized to provide an electronic signature in connection with school board business.

Abuse of the electronic signature protocols by any District employee serves as grounds for disciplinary action up to and including termination.

Parent/Student Use of Electronic Signatures

With regard to documentation received by the District with an electronic signature from a parent/legal guardian, so long as the following provisions are met, the District may receive and accept such electronic signature as an original document:

1. Such communication with signature, of its face, appears to be authentic and unique to the person using such signature;
2. The District is unaware of any specific individualized reason to believe that the signature has been forged;
3. The District is unaware of any specific reason to believe the document has been altered subsequent to the electronic signature; and the signature is capable of verification.

The District's Superintendent or designee may at his or her discretion, request that an original of the electronic communication, signed manually by hand, be forwarded to the District in a timely manner.

District personnel may periodically audit the authenticity of such signature via a security procedure including such acts as making follow-up inquiry to the individual/entity who has submitted such ~~etc~~ signature.

Should it be discovered that a student has falsified a parent's electronic signature on an official District document, the student may be subjected to discipline and the Administrators of the District are authorized, at their discretion, to thereafter only accept manual signatures associated with any submitted school document.

Montana Code Annotated References	Description
30-18-102(9)	Definitions
30-18-106(4)	Legal recognition of electronic records, electronic signatures, and electronic contracts

Administrative Rules of Montana References	Description
42.8.106	Electronic submission of documents and electronic signatures

Policy 7550: Indirect Cost Reimbursement

Status: ADOPTED

Original Adopted Date: 07/27/2016 | **Last Reviewed Date:** 07/27/2016

Occasionally the School District will receive indirect cost reimbursements from the Office of Public Instruction. Montana Code Annotated, 20-9-507, provides indirect costs reimbursements be spent at the discretion of the trustees.

The indirect cost reimbursements are not usually accumulated year-to-year without purpose, and are normally used for general administrative expenses.

Prior to the end of each budget year the Superintendent or Business Manager will present to the Board of Trustees, at a regular or special meeting, information regarding the amount of indirect cost reimbursement received along with a recommendation of expenditure for the amount. The Board of Trustees must approve the indirect costs reimbursement each year.

Montana Code Annotated References

Description

20-9-507

Miscellaneous programs fund

Policy 8000: Goals

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Reviewed Date:** 09/29/1999

The Board recognizes the importance the physical plant plays in enhancing the instructional program. The district shall develop a program to maintain and/or upgrade the buildings and grounds of the district. Facilities represent a long-term investment of the district. The functional utility of such facilities can be increased with a regular maintenance program monitored by administrators.

The Board further recognizes the importance of planning in order to provide the anticipated facility needs of the future. The district shall review demographic factors as changes deem such reviews necessary.

PENDING

Policy 8100: Transportation

Status: ADOPTED

Original Adopted Date: 02/22/2006 | **Last Revised Date:** 05/11/2021 | **Last Reviewed Date:** 05/11/2021

The District may provide transportation to and from school for a student who:

1. resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school.
2. is a student with a disability, whose IEP identifies transportation as a related service; or
3. has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The District may provide transportation by school bus or other vehicle or through individual transportation such as paying the parent or guardian for individually transporting the student. The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and State law.

In-Town Busing

In-town busing is defined as the busing of students within three (3) miles of their school. In-town busing is a privilege the District can discontinue at any time.

Children in Foster Care

The building administrator will appoint a Point of Contact (POC) to coordinate activities relating to the District's provisions of services to children placed in foster care, including transportation services. The Superintendent, or designee, will inform the Department of Health and Human Services who is the POC for the District. The District will collaborate with the Department of Health and Human Services when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or District when in the best interest of the student. Under the supervision of the Superintendent/designee, the POC will invite appropriate District officials, the Department of Health and Human Services POC, and officials from other districts to consider how such transportation is to be arranged and funded in a cost-effective manner.

If there are additional costs to be incurred in providing transportation to maintain a student in the school of origin, the District will provide transportation to such school if:

- The Department agrees to reimburse the District for the cost of such transportation;
- The District agrees to pay for the cost of such transportation; or
- The District and the Department agree to share the cost of such transportation.

Definitions

"Foster Care" means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Department has placement care and responsibility.

"School of origin" means the school in which a child is enrolled at the time of placement in foster care.

While "Best Interest" is not defined in ESSA, that determination shall take into account all relevant factors, including consideration of the appropriateness of the current educational setting, and the proximity to the school in which the child is enrolled at the time of foster care placement.

Montana Code Annotated References

20-10-101

Description

Definitions

Montana Code Annotated References

20-10-121

Description

Duty of trustees to provide transportation – types of transportation – bus riding time limitation

20-10-122

Discretionary provision of transportation and payment for this transportation

20-10-123

Provision of transportation for nonpublic school children

Administrative Rules of Montana References

10.64.201

Description

Bus Driver Qualifications

10.64.701

Criteria for Establishing Transportation Areas

10.7.101, et seq.

Pupil Transportation

Cross References

3110

Description

[Entrance, Placement, and Transfer](#)

8110

[Bus Routes and Schedules](#)

8111

[Transportation of Students With Disabilities](#)

8123

[Driver Training and Responsibility](#)

Procedure 8100-P(1): Transportation

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Revised Date:** 01/08/2013 | **Last Reviewed Date:** 01/08/2013

The District may provide transportation for a student who attends a private school within the district boundaries. The following procedures will dictate the process for approving this transportation:

1. The Board will consider all requests on a case-by case basis annually.
2. The parent/guardian will be responsible for the cost of transporting each of their private school children at the lesser of the average transportation cost for each student in the child's district of residence or 35 cents per mile. The calculation will be in accordance with 20-5-323(6), MCA.
3. Mileage will be calculated from the pick-up point to the drop-off point.
4. The District will not change the established bus route to pick up or drop off private school students.
5. If the pick up or drop off point is considered to be a "turn around", the parent/guardian is responsible for development of an approved turn around as determined by the county transportation committee.
6. A private school student must follow all district bus conduct rules and regulations. Failure to follow rules will result in discipline up to and including termination from riding the bus.
7. Accepting a private school student will not cause the requested bus to exceed 100% occupancy.
8. If a bus is at 100% occupancy and a seat is needed for a public school student, the public school student has priority for the bus seat. The last private school student assigned to a seat will be the first to lose their seat.
10. The Board may declare an emergency which, in its opinion, necessitates the removal of all private school students from District provided transportation.

Montana Code Annotated References

Description

20-10-101	Definitions
20-10-121	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
20-10-122	Discretionary provision of transportation and payment for this transportation

Montana Code Annotated References

20-10-123

Description

Provision of transportation for nonpublic school children

Administrative Rules of Montana References

10.64.201

Description

Bus Driver Qualifications

10.64.701

Criteria for Establishing Transportation Areas

10.7.101, et seq.

Pupil Transportation

Cross References

3110

Description

[Entrance, Placement, and Transfer](#)

8110

[Bus Routes and Schedules](#)

8111

[Transportation of Students With Disabilities](#)

8123

[Driver Training and Responsibility](#)

PENDING

Policy 8110: Bus Routes and Schedules

Status: ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:** 02/22/2006 | **Last Reviewed Date:** 02/22/2006

The Superintendent's designee is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses consistent with providing safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness, and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turn-around points, capacity of bus, and related factors.
2. The district may extend a bus route across another transportation service area if it is necessary in order to provide transportation to pupils in the district's own transportation service area. A district may not transport pupils from outside its transportation service area.
3. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one (1) hour without consent of the child's parent or guardian.
4. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.
5. Parents should be referred to the Superintendent or designee for any request of change in routes, stops, or schedules.

The Board reserves the right to change, alter, add, or delete any route at any time such changes are deemed in the best interest of the District, subject to approval by the county transportation committee.

Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency and inclement weather conditions.

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. The principal of each building is responsible for the conduct of students waiting in loading zones.

Delay in Schedule

The driver is to notify the administration of a delay in schedule. The radio operator 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.
1. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding the school bus.
4. Be at home to receive children at the end of the day.

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.

Montana Code Annotated References

	Description
20-10-106	Determination of mileage distances
20-10-121	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
20-10-132	Duties of county transportation committee
61-8-351	Meeting or passing school bus
61-9-402	Audible and visual signals

Administrative Rules of Montana References

	Description
OPI Handbook	Montana School Bus Standards

Cross References

	Description
2221	School Emergency and Closure
8100	Transportation
8100-P(1)	Transportation
8111	Transportation of Students With Disabilities

Policy 8111: Transportation of Students With Disabilities

Status: ADOPTED

Original Adopted Date: 12/10/1996 | **Last Reviewed Date:** 12/10/1996

Children with disabilities will be transported in the same manner as all other children unless transportation has been identified as a related service in accordance with the student's IEP or 504 Plan. In all cases, the determination of eligibility for transportation as a related service must be made by the IEP or 504 team prior to the provision of services. The criteria for eligibility will be appraised using guidelines approved by the Office of Public Instruction. The IEP or 504 Team will determine the type of transportation accommodation service necessary for the student. Accommodations may include, but are not limited to, travel to and from school, between schools, travel in and around school buildings and the need for specialized equipment.

In the event that transportation directly to the student's residence is necessary, as determined by the IEP, the district will provide this service with the understanding that such service is available only when weather and ground conditions permit. It should be further understood that the purpose of this policy includes but is not limited to opening/closing gates, snow/ice removal and appropriate maintenance of all ramp conditions in order to ensure safe passage. The Director of Special Education is charged with mitigating any disputes which arise from interpretation of this requirement.

When transporting by school bus is impractical, the Board may initiate an individual transportation contract with parents/guardians to transport their children; the parent or guardian will be reimbursed for such transportation as provided by law.

Parents/guardians are responsible for contacting the transportation department in the event the daily transportation service is unnecessary.

In the event that students with special health considerations are being transported, it is the expectation that medical maintenance procedures be performed before and/or after the student has been transported. In the event it can be reasonably anticipated that services of this nature may be required during transport (as determined by the IEP), a plan should be approved by the Director of Special Education which includes who will provide the service and what steps will be taken.

When transporting students with special health considerations also requires transporting special cargo, Browning Public Schools will follow the special cargo procedure outlined in the guidelines provided by the Office of Public Instruction specifying the recommended procedure for accommodating students with special needs in the school transportation system.

In all cases involving the transport of special needs students, Browning Public Schools stipulates the authority to determine what safety measures will be utilized during the provision of services.

The Director of Special Education is directed to provide an in-service annually to all parents of children receiving transportation as a related service. This in-service will include an explanation of the district's responsibilities when transporting children with special needs.

The Board will review the policies and procedures for transporting students with special needs annually or as needed.

Definitions:

Individuals with Disabilities Education Act (IDEA) refers to federal legislation enacted to ensure that all children with disabilities have available to them a free appropriate public education that includes special education and related services to meet their unique needs.

Individual Education Plan (IEP) refers to a written statement for a child with a disability that is developed and implemented in accordance with 34 CFR-300.01 - 300.350.

Rehabilitation Act of 1973 (Section 504) refers to federal legislation which states that any program or activity receiving federal assistance may not exclude from participation otherwise qualified individuals with handicaps.

Montana Code Annotated References

10.16.3820

Description

Transportation for Special Education Students with Disabilities

Administrative Rules of Montana References

OPI Handbook

Description

Montana School Bus Standards

United States Code References

Title 20, Chapter 33, Subchapter I

Description

Individuals with Disabilities Education Act

Code of Federal Regulations References

34 CFR 300.1, et seq.

Description

Individuals with Disabilities Education Act

Cross References

2162

2162-P(1)

8100

8100-P(1)

8110

Description[Section 504](#)[Section 504](#)[Transportation](#)[Transportation](#)[Bus Routes and Schedules](#)

PENDING

Policy 8123: Driver Training and Responsibility

Status: ADOPTED

Original Adopted Date: 01/11/2011 | **Last Revised Date:** 05/11/2021 | **Last Reviewed Date:** 05/11/2021

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District's written rules for bus drivers and for student conduct on buses.

Each bus driver will meet the qualifications established by the Superintendent of Public Instruction, including possession of a valid Montana commercial driver's license (with school bus "S" and passenger "P" endorsements), receive ten (10) hours of in-service annually, and Department of Transportation-approved physician's certification that he or she is medically qualified for employment as a bus driver. The bus driver shall secure a valid standard first aid certificate from an authorized instructor, within two (2) months after being employed, and maintain a valid first aid certificate throughout employment as a bus driver. The bus driver must have five (5) years driving experience.

Bus drivers are prohibited from possessing, using, or being under the influence of a controlled substance while on District premises, while performing work for the District, or while in operation of control of a school bus or other district-owned vehicle. This prohibition includes employees possessing a "medical marijuana" card. Bus drivers are subject to all federal and state regulations regarding use of controlled substances by school bus drivers

A school bus driver is prohibited from operating a school bus while using a cellular phone, including hands free cellular phone devices, except:

- (1) During an emergency situation;
- (2) To call for assistance if there is a mechanical breakdown or other mechanical problem;
- (3) When the school bus is parked.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

School bus drivers must hold a valid Montana school bus certificate in order for a district to receive state reimbursement for that driver's bus routes. Qualifications for bus drivers are prescribed by 20-10-103 MCA and by the board of Public Education in Arm 10.62.201. The first aid certificate required by ARM 10.64.201 must include certification in CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours with annual renewals.

A driver may not operate a school bus without a valid, current certificate.

The district recognizes from a risk management and student safety standard the importance of driver safety while transporting students. Therefore, the district will meet the federal standard on maximum driving time for drivers.

Montana Code Annotated References

20-10-103

Description

School bus driver qualifications

Administrative Rules of Montana References

10.64.201

Description

Bus Driver Qualifications

10.7.101, et seq.

Pupil Transportation

Code of Federal Regulations References

Title 49, part 395

Description

hours of service for drivers

Cross References

8100

Description

[Transportation](#)

Cross References

8100-P(1)

Description

[Transportation](#)

PENDING

Policy 8129: Chemical Safety

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 06/30/2021

The District shall establish and maintain a Chemical Hygiene Plan for all areas that store hazardous chemicals including but not limited to science labs, industrial arts classrooms or buildings. Chemical Hygiene Plans shall include plans for appropriate selection, storage, inventory, use, and disposal of hazardous chemicals, and biological materials.

The District has designated Maintenance/Facilities as the Chemical Hygiene Officer in accordance with the requirements of the Occupational Safety and Health Administration. The Officer has primary responsibility for ensuring the implementation of all components of the Chemical Hygiene Plan.

Safety Data Sheets for all materials in science labs, industrial arts classrooms or buildings, and art labs, and lab storage rooms shall be stored in those rooms and be accessible at all times. The Safety Data Sheets shall also be kept in a secure, remote site outside of the science lab, industrial arts classroom or buildings, and art labs, and lab storage rooms.

All District staff shall ensure storage areas are kept clean and organized. Unused hazardous materials shall be disposed in a timely manner as stated by the manufacturer and approved by DEQ. Schools shall consult with the DEQ and the DPHHS for additional information about how they can properly discard hazardous material.

Montana Code Annotated References

50-78-101, et seq

Description

Montana Employee and Community Hazardous Chemical Information Act

Administrative Rules of Montana References

37.111.812

Description

Safety Requirements

Policy 8130: Outdoor Air Quality Restrictions

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 06/30/2021

Each school district is responsible for ensuring the safety of its students and student athletes when participating in physical education, recess, practices or athletic contests.

The Browning School District Board of Trustees and Administration will use the Recommendations for Outdoor Activities Based on Air Quality for Schools guidelines, developed by the Montana Department of Environmental Quality (DEQ) and the DEQ's Air Data Map, as the determining factor when making a decision to allow or not allow students to participate in outdoor activities and contests.

The Browning School District Board of Trustees and Administration have developed the following protocol for determination of allowing students and student athletes to participate in outdoor activities when Air Quality Restrictions have reached the Unhealthy for Sensitive Groups or higher categories as indicated on the DEQ guidelines.

1. The Browning School District will use the Blackfeet Environmental Agency and geographical spot on the todaysair.mt.gov website to determine the air quality for our school district.
2. The following personnel will make the decision to hold or cancel outdoor activities, practices, or contests:
 - a. Recess (all levels) Principals
 - b. Junior High practices (all levels) Activities Director
 - c. Junior High contests (all levels) Activities Director
 - d. High School practices (all levels) Activities Director
 - e. High School contests (all levels) Activities Director
 - f. All outdoor activities (all levels) Activities Director
3. The decision to hold or cancel outdoor activities will be made 2 hours in advance of the activity.
4. The notice to hold or cancel an outdoor activity will be communicated to:
 - a. Students through District email, Facebook, local radio stations
 - b. Staff through District email, Facebook, local radio stations
 - c. Coaches through District email, Facebook, local radio stations
 - d. Parents through District email, Facebook, local radio stations
 - e. Community District email, Facebook, local radio stations

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
37.111.827	Outdoor Air Quality

Cross References	Description
2151	Interscholastic Activities
3150	Part-Time Enrollment

Policy 8131: Indoor Air Quality

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 06/30/2021

The District shall ensure ventilation systems operate properly and increase circulation of outdoor air as much as possible. District ventilation systems shall undergo annual checks by the school facility manager, superintendent or other staff approved by the superintendent to ensure ventilation systems are operating within manufacturer parameters.

Air filters in the District shall have a minimum efficiency reporting value of between 8 and 13 as recommended by the National Air Filtration Association and the EPA unless other types of non-MERV rated filters are used.

To the greatest extent possible during times of poor outdoor air quality, the District shall change filters to MERV 13 or greater in ventilation systems using MERV rated air filters. The District shall clean any electrostatic air filters according to manufacturer specifications.

The school facility manager, superintendent or other staff approved by the superintendent shall complete annual indoor air quality inspections using the Walk-Through Inspection Checklist from EPA's Indoor Air Quality Tools for Schools or other DPHHS-approved inspection form.

The District shall maintain records of indoor air quality inspection on site for no less than three years and the records shall be made available to the local health authority and DPHHS upon request.

Administrative Rules of Montana References	Description
37.111.826	Indoor Air Quality

PENDING

Policy 8132: Activity Trips

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

The use of school buses is strictly limited to school activities. Buses may not be loaned or leased to non-school groups unless permission is specifically granted by the Superintendent of Schools.

On all activity runs buses will be operated by a qualified bus driver only.

On all activity trips only authorized activity participants, professional staff and chaperones assigned by the school administration may ride the bus.

A duplicate copy of the passenger list will be made for all activity trips. One copy will remain with the professional staff member in charge on the bus and one copy will be given to the Director of Transportation before the bus departs.

Montana Code Annotated References

20-10-129

Description

Transportation for Special Activities

40-6-701

Interference with fundamental parental rights restricted

Cross References

2151

Description

[Interscholastic Activities](#)

2320

[Field Trips, Excursions, and Outdoor Education](#)

3150

[Part-Time Enrollment](#)

3431

[Emergency Treatment](#)

3431-P(1)

[Emergency Treatment - Emergency Medical Treatment](#)

3550

[Student Clubs](#)

3550-NF(1)

[Student Clubs - Student Club or Group form](#)

Policy 8205: Meal Charge

Status: ADOPTED

Original Adopted Date: 01/10/2017 | **Last Reviewed Date:** 01/10/2017

The Browning School/School District has eliminated the risk for unpaid meal charges by participating in the Community Eligibility Provisions (CEP) program, which is a meal service option for schools and school districts operating the school meal programs in high-poverty communities. CEP allows the school to provide breakfast and lunch at no cost to all enrolled children without the need to collect applications or establish individual eligibility for a four-year period, thereby increasing access to school meals and eliminating unpaid meal charges.

Montana Code Annotated References

20-9-204

Description

Conflicts of Interest letting contracts, and calling for bids -- exceptions

United States Code References

PL 108-265

Title 20, Chapter 33, Subchapter I

Description

The Child Nutrition and WIC Reauthorization Act of 2004

Individuals with Disabilities Education Act

Code of Federal Regulations References

34 CFR 104

7 CFR 210, et seq

7 CFR 210, et seq

Description

Section 504 of Rehabilitation Act

School breakfast program

School lunch program

Policy 8210: Procurement for Food Service

Status: ADOPTED

Original Adopted Date: 05/26/2021 | **Last Reviewed Date:** 05/26/2021

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods, services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. The policy specifically applies to food service purchases.

This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance whether direct or reimbursed. The requirements of this Policy also apply to any subrecipient of the funds. All contracts paid for in whole or in part with federal funds shall be in writing.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.

Purchases:

- Purchases greater than \$1 and less than \$10,000:
 - Any purchase greater than \$1 and less than \$10,000 will be handled in a fair and equitable manner consistent with district policy on purchasing.
 - The District will obtain two or more estimates when any purchase will cost more than \$10,000 and less than \$80,000.
 - The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

- Purchases great than \$ \$10,000 and less than \$80,000:
 - Any purchase greater than \$10,000 and less than \$80,000 will be handled in a fair and equitable manner consistent with district policy on purchasing.
 - The School District will obtain two or more estimates when any purchase will cost more than \$10,000 and less than \$80,000.
 - The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

Bid Specifications-Optional: The School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Geographic Preference-Optional: No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School the Browning School District may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

Buy American-Optional: The District will adhere to "Buy American" for the food service program. Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. However, exceptions are allowed when:

- Food preferences can only be met with foreign goods
- Insufficient quantity and/or quality is available in the USA
- Domestic cost is **significantly** higher

Standards of Conduct for District Employees:

- The Browning School District maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:
- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district's need to obtain quality services and supplies.
- No District employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
 - The employee
 - Any member of his/her immediate family
 - People with whom there is an intimate personal relationship
 - An organization which employs or is about to employ any of the above
- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.

- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Montana Code Annotated References

20-9-204

Description

Conflicts of Interest letting contracts, and calling for bids -- exceptions

Code of Federal Regulations References

7 CFR 226.22

Description

Procurement standards

Cross References

1332

Description

[Authorization of Signatures](#)

1332-P(1)

[Authorization of Signatures - Consultants](#)

1332-P(2)

[Authorization of Signatures - School District Bank Accounts](#)

7320

[Purchasing](#)

PENDING

Policy 8225: Tobacco Free Policy

Status: ADOPTED

Original Adopted Date: 03/13/2001 | **Last Reviewed Date:** 03/13/2001

The District maintains, at all times, tobacco free buildings, grounds, and vehicles and includes during all extracurricular events and activities and school field trips regardless of location. Tobacco includes but is not limited to cigarettes, cigars, snuff, pipe smoking tobacco, smokeless tobacco, electronic cigarettes, and any other tobacco or nicotine delivery innovation.

If a tobacco product is to be 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 or in connection with Native American cultural activities, in conflict with this policy the school principal must approve such use in advance.

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.

The superintendent shall establish procedures to implement this policy.

Montana Code Annotated References

Montana Code Annotated References	Description
16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
37.111.825	Health Supervision and Maintenance

United States Code References

United States Code References	Description
42 U.S.C. 1996	American Indian Religious Freedom Act

Cross References

Cross References	Description
3310	Student Discipline
3310-P(1)	Student Discipline - Student Drivers
3310-P(2)	Student Discipline - Applications of Sanctions
4332	Conduct on School Property
5223	Personal Conduct

Policy 8300: Risk Management

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

Security means not only maintenance of buildings, but also protection from fire hazards and faulty equipment and safe practices in the use of electrical, plumbing, and heating equipment. The Board requires and encourages close cooperation with local police, fire, and sheriff departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours shall be limited to staff whose work requires it and groups with facility use agreements. An adequate key/security code control system shall be established which shall limit access to buildings to authorized staff and shall safeguard against the potential entry of unauthorized persons.

Records and funds shall be kept in a safe place and under lock and key when required.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of security guards may be approved in situations where special risks are involved. All incidents of vandalism and burglary shall be reported to the superintendent immediately and to law enforcement agencies as appropriate.

Montana Code Annotated References

	Description
2-9-101, et seq.	Liability Exposure
2-9-211	Political subdivision insurance
2-9-501, et seq	General Provisions Related to Official Bonds
20-3-331	Purchase of insurance – self-insurance plan
20-6-608	Authority and duty of trustees to insure district property

Cross References

	Description
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

Policy 8301: District Safety

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Revised Date:** 07/25/2019 | **Last Reviewed Date:** 07/25/2019

The safety of students of School District No. 9 takes precedence over all other factors involved in the school program. Student safety shall be a primary consideration in the development of policies, handbooks and school procedures.

- Teachers and school staff assigned to supervise students are responsible for the safety of students in their charge.
- The school bus driver or school employees providing transportation to students will engage in safe transport. Students on a bus or a school vehicle will be provided with instruction regarding safe passenger practices and supervised for safe behavior.
- Safe pedestrian practices shall be taught frequently in elementary schools. This applies particularly to walking on the highway, riding bicycles, and leaving and entering school buses.
- Students attending school events and dances will be expected to remain in the school building during the times scheduled for such activities.
- All accidents are to be reported to principals and the school nurse immediately. It shall be the nurse's responsibility to file a written report to the Superintendent within three (3) days of the occurrence of the accident.
- Students participating in out of town activities and/or under the supervision of the school will be released to Parent/Guardian. Written approval to release the student to another person must be provided by the Parent/Guardian in person to the coach/sponsor.

Montana Code Annotated References

Montana Code Annotated References	Description
20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
37.111.812	Safety Requirements

Cross References

Cross References	Description
1006FE	Transfers for School Safety
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

Procedure 8301-P(1): District Safety - ATF Bomb Threat Checklist

Status: ADOPTED

Original Adopted Date: 06/30/1997 | Last Reviewed Date: 06/30/1997

ATF BOMB THREAT CHECKLIST

Exact time of call: _____

Exact words of caller: _____

Questions to ask:

1. When is the bomb going to explode? _____

2. Where is the bomb? (How many bombs?) _____

3. What does it look like? _____

4. What kind of bomb is it? _____

5. What will cause it to explode? _____

6. Did you place the bomb? _____

7. Why? _____

8. Where are you calling from? _____

9. What is your address? _____

10. What is your name? _____

11. Approximate age? _____

12. Sex _____
13. Background noise? _____

Caller's Voice (Circle all that apply):

calm disguised nasal
angry broken stutter
slurred slow sincere
lisp rapid giggling
deep normal crying
squeaky excited accent
stressed loud hushed

Prolong conversation and request from 3-Rivers confirmation of the calling site.

Montana Code Annotated References

	Description
20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

	Description
37.111.812	Safety Requirements

Cross References

	Description
1006FE	Transfers for School Safety
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

Procedure 8301-P(2): District Safety - Bomb Threat History Form

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

CHRONOLOGICAL HISTORY

Browning Public Schools District #9

Bomb Threats

Date: _____ **Time:** _____

Telephone Number: _____

Site: _____

Source of call: _____

Receiver of call: _____

Identification/description of caller: _____

Elapsed time: _____

Comments: _____

Montana Code Annotated References

	Description
20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

	Description
37.111.812	Safety Requirements

Cross References

	Description
1006FE	Transfers for School Safety
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

Procedure 8301-P(3): District Safety - Bomb Threat

Status: ADOPTED

Original Adopted Date: 08/28/1996 | **Last Reviewed Date:** 08/28/1996

No individual has the right to reduce or restrict educational opportunities for the student body of Browning Public Schools through threatening behavior. School District #9 intends to consider each bomb threat an act of potential violence and respond in a manner that is most likely to ensure the safety of students, staff, and the community. The District will collaborate with law enforcement agencies in order to support arrest and prosecution to the full extent of the law of any individual who explicitly threatens the safety of the students, staff, and community.

1. Upon receipt of a bomb threat at school, the person receiving the call should make every attempt to:
 - a. Use the Department of Alcohol, Tobacco, and Firearms (ATF) Threat Call Checklist.
 - b. Prolong the conversation as much as possible.
 - c. Identify background noises.
 - d. Note distinguishing voice characteristics.
 - e. Interrogate the caller as to description of bomb, location and when it is due to explode.
 - f. Determine the caller's knowledge of the facility.
 - g. **DON'T HANG UP THE PHONE!** (Use another phone to call the authorities)
1. THE PERSON RECEIVING THE CALL SHOULD IMMEDIATELY TAKE STEPS TO SEE THAT THE APPROPRIATE BUILDING ADMINISTRATOR IS NOTIFIED and should report to the school district command center (school administration building) following evacuation.
2. The building administrator involved should immediately contact the Transportation Department to arrange for evacuation.
3. The person receiving the call should make contact with the Superintendents Office. The central office personnel will notify the police, tribal emergency response unit, and fire department. All School District #9 buildings will be notified of the threat including Stay In School, the Parent Center, the Daycare Center, Even Start, and Babb.
4. Students and staff in other building sites are to remain indoors while the threat is being evaluated.
5. All students will be evacuated from the building involved and required to board evacuation buses in order to account for all students and ensure their safety.
6. Principals are required to submit an evacuation plan to the Superintendent's Office by August 15th of each school year. The transportation pickup site for evacuated students and designated safe zone will be determined for each individual building site as part of the evacuation plan.
7. Students will be evacuated from other buildings should any physical evidence of an explosive device be discovered in the targeted building. Specific evacuation will be depending on the location of the explosive. The Superintendent or his or her designee will make all decisions regarding additional evacuations in conjunction with community emergency service agencies.
8. Students/Staff and others may not return to any evacuated buildings until notified by the Superintendent or his or her designee. However, staff such as maintenance or custodial personnel may return to evacuated site in their official capacity and roles as building engineers.
9. Should the threat of an explosion continue beyond one hour the Superintendent or his/her designee, in consultation with the Management Team and the Transportation Department, will decide whether to transfer student to an alternate site or arrange for the school day to be terminated.
10. Parents should be encouraged to allow instruction to continue for their child in all buildings in the district determined to be unaffected by the threat. The Superintendent or his or her designee and the Management Team, in consultation with community emergency service agencies, will make the determination of threat.

11. The District Crisis Plan summary will be available in each classroom and posted at secretarial stations.
12. Crisis Plan training will occur for temporary office staff, substitutes, office aides and secretarial staff annually, during substitute training, and during duty orientation at each building site. Efficient and knowledgeable use of the ATF checklist will be trained for as part of the Crisis Plan training. Call tracing capabilities on district telephones will be pursued in conjunction with local telephone service providers. Staff will be trained to secure unsupervised telephones in order to limit unauthorized access.
13. In-service for students and staff related to emergency procedures will be an aspect of district orientation and provided on at least an annual basis in each building site. Emergency evacuation drill will take place at least twice per year.
14. Emergency procedures will be published in each school handbook and publicly broadcast or published in local media once each school year.
15. Any student determined by school administration to have issued a bomb threat will be considered for expulsion by the Board of Trustees. Furthermore, the Superintendent of Schools shall be directed to notify law enforcement authorities and recommend prosecution to the full extent of the law.
16. District cooperation with law enforcement and community agencies will include making district building/facility blueprints available, collaborative assessment and decision making, interagency debriefing following crisis situations and providing information that may lead to the arrest and prosecution of alleged criminals.

Montana Code Annotated References

	Description
20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

	Description
37.111.812	Safety Requirements

Cross References

	Description
1006FE	Transfers for School Safety
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

Procedure 8301-P(4): District Safety - Bomb Threat Procedures

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

BOMB THREAT PROCEDURES

1. Upon receipt of a bomb threat at school, the person receiving the call should make every attempt to:
 - a. Use ATF Threat Call Checklist.
 - b. Prolong the conversation as much as possible.
 - c. Identify background noises.
 - d. Note distinguishing voice characteristics.
 - e. Interrogate the caller as to description of the bomb, where it is planted, and when it is due to explode.
 - f. Determine the caller's knowledge of the facility.
 - g. **DON'T HANG UP THE PHONE!** (Use another phone to call the authorities)
2. THE PERSON RECEIVING THE CALL SHOULD IMMEDIATELY TAKE STEPS TO SEE THAT THE APPROPRIATE BUILDING ADMINISTRATOR IS NOTIFIED.
3. The building administrator involved should immediately contact the Transportation Department to arrange for evacuation.
4. In the event the Superintendent is not yet informed, the person receiving the call should make contact with the Superintendents Office. The central office personnel will notify the police and fire department.
5. All students will be evacuated from the building involved. Principals are required to submit an evacuation plan to the Superintendent's Office by August 15th of each school year.
6. Students will be evacuated from other buildings should any physical evidence of an explosive device be discovered in the targeted building. Specific evacuation will be depending on the location of the explosive. The Superintendent's Office will make all decisions regarding additional evacuations.
7. Students will be transported to 2nd Ave., (south side of the Napi Elementary) –All Classroom Teachers/Teacher Assistants will accompany students and insure that attendance is taken and proper supervision is rendered.
8. Students/Staff and others in unofficial capacities may not return to any evacuated buildings until notified by the Superintendents Office.
9. Should the threat of an explosion continue beyond one hour, the Superintendent's Office, in consultation with the Management Team and the Transportation Department, will decide whether to transfer students to the Napi Elementary Gym or arrange for the school day to be terminated.
10. Parents should be encouraged to allow instruction to continue for their child in all buildings in the district determined to be unaffected by the threat.

Montana Code Annotated References

Description

20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

37.111.812

Description

Safety Requirements

Cross References

1006FE

[Transfers for School Safety](#)

4301

[Visitors to School](#)

4315

[Visitors and Spectator Conduct](#)

4332

[Conduct on School Property](#)

5122

[Fingerprints and Criminal Background Investigations](#)

5122-F(1)

[Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint](#)

5122-F(2)

[Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting](#)

8410

[Operation and Maintenance of District Facilities](#)

PENDING

Procedure 8301-P(5): District Safety - Missing School Children

Status: ADOPTED

Original Adopted Date: 04/13/2000 | **Last Reviewed Date:** 04/13/2000

Responsibility of the School District

- a. It is the responsibility of the Superintendent, or designee to distribute the list of missing school children provided by the State Superintendent of Public Instruction to each school building within the district. This list will be placed on an appropriate bulletin board accessible to faculty members and other staff members.
- b. In the event staff members suspect that a missing child is enrolled in the school, they shall notify the appropriate building principal and/or district superintendent immediately.
- c. The Superintendent or designee shall notify the county attorney's office, the sheriff's department, and the Blackfeet Tribal Police Department.

Responsibility of Parent/Guardian

- a. Parents, guardians, or legal custodians of school children must report the following information to the building principal:
 1. In the event the child will be absent from school, the parent shall report the absence to the building principal and/or designee.
 2. The parent shall account for the absence of the child every day the child is absent from school.
 3. Parents, guardians, or legal custodians will provide a telephone number where they may be contacted in the event of an emergency or when the child is absent from school. In addition, the parent, guardians, or legal custodians will provide a clear, specific location of their place of residence.
 4. In the event the parent does not maintain a home telephone, he/she shall provide an alternative telephone number(s) where they may be contacted if their child is absent from school.

Responsibility of Building Principal or Designee

- a. When a parent, guardian, or legal custodian notifies a school that a child will be absent from school, the building principal and/or designee shall log the date and person from whom the call came.

In the event a parent, guardian, or legal custodian fail to notify the school of the child's absence, the building principal and/or designee shall attempt to contact the parent, guardian, or legal custodian by the end of the school day as follows:

1. The principal or designee will attempt to telephone or contact the parent, guardian, or legal custodian at the residential or alternative telephone number(s). This attempt will be documented in a parent contact log.
2. If the school official is unable to make telephone contact with the parent, guardian, or legal custodian after three (3) school days, he/she shall mail a written notice to the parent, guardian, or legal custodian indicating the child's absence from school on those dates. This letter will indicate that an attempt was made to make telephone contact during the days the child was absent from school.
3. If the school official suspects foul play, he/she shall immediately notify the district superintendent and/or appropriate law enforcement.
4. If a child is present for part of a school day and absent for the remainder of the school day and if the parent has not reported that partial day absence, the school official shall follow the procedures outlined as if the child were absent from school the entire day.
5. In the event a school official cannot determine the appropriate procedure in a particular case, he/she shall notify the building principal and, in turn, the district superintendent who may consult with the district's legal advisor and/or county attorney for direction.

Montana Code Annotated References

20-1-401	School Safety Teams
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
39-71-1501, et seq.	Montana Safety Culture Act

Administrative Rules of Montana References

37.111.812	Safety Requirements
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Cross References

1006FE	Transfers for School Safety
4301	Visitors to School
4315	Visitors and Spectator Conduct
4332	Conduct on School Property
5122	Fingerprints and Criminal Background Investigations
5122-F(1)	Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint
5122-F(2)	Fingerprints and Criminal Background Investigations - Authorization.Fingerprinting
8410	Operation and Maintenance of District Facilities

PENDING

Policy 8302: Noxious Plant and Pest Control

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 06/30/2021

Noxious Plant and Animal Control

Each school and school site shall be maintained free of harborage for insects, rodents, and other pests. Extermination methods and other measures to control pests shall conform with the requirements of the DPHHS or the local health authority.

All areas shall be maintained free of accumulation of debris or standing water which may provide harborage for pests.

Storage areas shall be maintained so as to prevent pest harborage. Lumber, pipe, and other building materials shall be stored neatly.

The growth of brush, weeds, and grass shall be controlled to prevent harborage of pests. School grounds shall be maintained to prevent the growth of noxious weeds considered detrimental to health.

Integrated Pest Management Plan

The District has developed and implemented an Integrated Pest Management (IPM) program. Students, parents, and staff shall be notified when chemicals for IPM are going to be used. The school IPM shall include strategies to prevent the spread of pests.

The facility manager, superintendent or other staff approved by the superintendent shall, whenever practical, ensure the use of nonchemical methods to control pests, including proper sanitation practices, structural repair, and window screens.

Pesticide Application Notification

Except as otherwise provided in this policy, the District shall notify parents or guardians of students of the application of a pesticide to an area of the school that is used by or is accessible to students least 24 hours before the application. The notification shall state the following:

- (a) A description of the area where the pesticide will be applied;
- (b) The date and approximate time of application;
- (c) The common or brand name of each pesticide to be used;
- (d) The targeted pests to be controlled by the pesticide;
- (e) Each active ingredient in the pesticide;
- (f) The EPA registration number;
- (g) The telephone contact number, if any, on the label of the pesticide for additional information about each pesticide; and
- (h) A contact name and telephone number at the school.
- (i) If the application will be outdoors, the notification shall also include three dates in chronological order in case the preceding date is canceled due to weather.

During the school year, the notification required by this policy shall be made by individual notice delivered by phone, face-to-face oral communication, electronic mail, postal mail, or facsimile. The Board of Trustees authorizes the superintendent or other staff approved by the superintendent to develop a registration system to provide this notification only to those parents who wish to receive the notification. The registration shall provide written notice to the parents or guardians of the student at the beginning of the school year, or upon a child's enrollment, that pesticides may be used in or around the school. The administrator shall develop methods to permit each parent or guardian how to register to be notified at least 24 hours before a pesticide treatment.

If pesticides are used outside the school year and the school is open or to be accessible by the public, the notification required shall be prominently posted in a conspicuous location on the school premises at least 24 hours before the pesticide application is scheduled to occur.

Immediately before starting the application of a pesticide, the certified applicator shall post in the area of the school where the pesticide is to be applied, a sign 8.5x11-inch in size, or greater. Fonts shall be no smaller than 26 point (one-fourth inch). The administrator shall ensure the sign remains posted and students are kept out of the treated area until the reentry interval on the label, if any, has expired, or, if the label does not specify a reentry interval, for at least 24 hours.

Emergency Pesticide Application

The superintendent or other staff approved by the superintendent may authorize an immediate pesticide treatment without prior notification if the superintendent determines an emergency exists. An emergency includes an immediate and unanticipated threat to the health and safety of the individuals at the school. If a school administrator authorizes an emergency pesticide application all the information that is required in a notice under this policy shall be included in the record maintained as required by this policy

Exceptions to the Notice Requirements

The following pesticide applications are not subject to the notification or posting requirements of this rule:

- (a) Applications of antimicrobial pesticides;
- (b) An application where the school remains unoccupied for a continuous 72- hour period following the application of the pesticide;
- (c) Applications of rodenticides in tamper-resistant bait stations or in areas inaccessible to students; and
- (d)

Applications of silica gels and other ready-to-use pastes, foams, or gels that will be used in areas inaccessible to students.

Record Keeping

The superintendent or other staff approved by the superintendent shall keep records of pesticide applications subject to the notification and posting requirements of this rule. Records shall include:

- (a) A copy of each notice issued;
- (b) The date of application;
- (c) The name and employer of the individual who applied the pesticide, including the individual's certification number;
- (d) The rate of application;
- (e) The concentration of the pesticide applied; and
- (f) The total amount of pesticide used.

Records shall be kept for at least five years and shall be made available to the local health authority, DPHHS, or the public for review upon request.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
37.111.846	Noxious Plant and Animal Control

PENDING

Policy 8303: Cleaning and Disinfecting

Status: ADOPTED

Original Adopted Date: 08/25/2021 | **Last Reviewed Date:** 06/30/2021

Cleaning and Disinfecting

District personnel shall routinely both clean by removing germs, dirt and impurities and, when necessary, disinfect by using chemicals to kill germs on all surfaces and objects in any school building and on school property that are frequently touched. This process shall include cleaning objects/surfaces not ordinarily cleaned daily.

Personnel shall clean with the cleaners typically used and will use all cleaning products according to the directions on the label. When necessary, personnel shall disinfect with common EPA-registered household disinfectants. Personnel shall follow the manufacturer's instructions for all cleaning and disinfection products.

When necessary, the District shall provide EPA registered disposable wipes to teachers, staff, and secondary students so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped down before use. The superintendent or other staff approved by the superintendent are required to ensure adequate supplies to support cleaning and disinfection practices. Specifically, the District shall comply with the following cleaning and maintenance requirements:

- (a) Daily cleaning and maintenance services will be provided whenever the school is in use.
- (b) Each janitor room will be kept clean, ventilated, lockable, and free from odors.
- (c) Soiled mop heads will be changed frequently, using laundered replacements.
- (d) Toilets, lavatories, and showers will not be used for washing and rinsing of mops, brooms, brushes, or any other cleaning device.
- (e) Cleaners used in cleaning showers, lavatories, urinals, toilet bowls, toilet seats, and floors will contain fungicides or germicides.
- (f) Deodorizers and odor-masking agents will not be used.
- (g) Toilet bowl brushes, mops and sponges will be used only for cleaning toilet bowls and urinals and will be stored separately from other cleaning devices. Cleaning devices used for lavatories and showers may not be used for any other purposes.
- (h) Dry dust mops and dry dust cloths for cleaning purposes are prohibited, except for use on gymnasium floors. Only treated mops, wet mops, treated cloths, moist cloths or other means approved by the DPHSS or local health authority which will not spread soil from one place to another may be used for dusting and cleaning, with the exception of gymnasium floors.
- (i) All furnishings, fixtures, floors, walls, and ceilings will be clean and in good repair as outlined in this Policy.
- (j) Cleaning compounds and pesticides will be stored, used, and disposed of in accordance with the manufacturer's instructions.
- (k) Safety data sheets will be kept with all cleaning supplies in the area where the cleaning supplies are located.
- (l) As current non-green cleaning supplies are depleted it is recommended that they are replaced with cleaning products that are "Green Products."
- (m) All cleaning supplies need to have an EPA registration number, a "use by" reading letter, be stored with approved ventilation, and stored out of the reach of students.
- (n) All vomit, blood, and fecal matter including diarrhea will be cleaned using appropriate personal protective equipment. Cleaning supplies and personal protective equipment used for vomit, blood, and fecal matter clean-up will be disposed in accordance with disposal of medical equipment in Policy 3416, if applicable. All affected areas will be disinfected in accordance with this Policy.

(o) All therapeutic whirlpools will be constructed and maintained for easy cleaning. Whirlpools will be drained and sanitized after each use. Individuals with open sores or infections are prohibited from using therapeutic whirlpools.

Assigned Cleaning and Disinfecting

Personnel shall evaluate and identify surfaces and objects to be cleaned and disinfected in accordance with their knowledge, experience, and applicable guidance from federal, state, tribal, and local health officials. Personnel shall have access to or the opportunity to access the latest available guidance upon request to their supervisor.

Personnel shall coordinate with colleagues and supervisors to develop a plan, schedule, and routine to regularly clean identified surfaces and objects. Personnel shall honor this plan, schedule, and routine until adjusted. Reasons for adjustment may include but are not limited to change in school schedule, absence of colleagues, availability of equipment and supplies, and federal, state, tribal or local health directives and guidance. If adjustment is necessary, personnel shall again coordinate with colleagues and supervisors to improve the plan, schedule, and routine. Personnel shall solicit and accept perspectives from colleagues and other school officials when considering improvements to the plan.

Personnel shall prioritize cleaning frequently touched and indoor surfaces. Hard and non-porous surfaces and objects that are touched daily shall be the top priority for cleaning on a daily basis. Hard and non-porous surfaces and objects that are not indoors or have not been occupied for seven days shall be routinely cleaned. Personnel shall always use chemicals, products, and substances in a manner consistent with the applicable instructions.

Personnel shall thoroughly clean or launder soft, porous, or fabric-based materials as permitted by location and substance. During evaluation and identification of surfaces, personnel shall consider removing soft and porous materials in high traffic areas that may increase risk of exposure.

Personnel shall establish and maintain safe work practices in accordance with these procedures and School District policy in order to reduce the risk of exposure. If disinfection of any surface

or item is necessary, disinfection shall occur in accordance with stated guidance and substance instructions.

Physical Barriers and Guides

Personnel shall review school buildings and identify areas where installation of physical barriers, such as sneeze guards and partitions, shall assist or protect students and staff. Personnel shall coordinate with building or district administrators to complete or install any identified physical barrier.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
37.111.841	Cleaning and Maintenance

Cross References	Description
3417	Communicable Diseases
5130	Staff Health

Policy 8320: Property Damage

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 05/26/2021

Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District's protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately -owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Montana Code Annotated References

20-6-608

Description

Authority and duty of trustees to insure district property

PENDING

Policy 8410: Operation and Maintenance of District Facilities

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

Facilities are to be maintained and operated in a safe, healthful condition and to preserve the district's investment. The Director of Maintenance/Custodial and Facilities Coordinator in cooperation with the principals, fire chief and county sanitarian shall periodically inspect plant and facilities. They shall provide for a program to maintain the district physical plant by way of a continuous program of repair, maintenance and reconditioning. Budget recommendations shall be made each year to meet these needs and any such needs arising from an emergency.

The Director of Maintenance/Custodial Services and Facilities Coordinator, shall formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve the resources of the district in their buildings.

Administrative Rules of Montana References

Description

10.55.701	Board of Trustees
10.55.908	School Facilities
37.111.810	Inspections
37.111.811	Physical Requirements
37.111.834	Solid Waste
37.111.840	Laundry Facilities

Cross References

Description

8300	Risk Management
8301	District Safety
8301-P(1)	District Safety - ATF Bomb Threat Checklist
8301-P(2)	District Safety - Bomb Threat History Form
8301-P(3)	District Safety - Bomb Threat
8301-P(4)	District Safety - Bomb Threat Procedures
8301-P(5)	District Safety - Missing School Children
8411	Water Supply and Wastewater Systems
8420	District-Wide Asbestos Program
8421	Lead Renovation
8502	Construction and Repairs
8502-P(1)	Construction and Repairs - Facilities Master Plan

Policy 8411: Water Supply and Wastewater Systems

Status: ADOPTED

Original Adopted Date: 08/25/2021 | **Last Reviewed Date:** 08/25/2021

The District shall ensure an adequate and potable supply of water for school buildings and properties by either:

- (a) connecting to a compliant public water supply system; or
- (b) utilizing a non-public system whose construction and use meet the standards published by DPHHS if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public water supply system is not accessible. When using a system outlined in this subsection (b) a school shall submit a water sample at least quarterly to a laboratory licensed by the DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS.

A water supply system of a type other than described in subsections (a) or (b) may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by DPHHS or local health authority. When using a system outlined in this paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPPHS, DEQ, or local health authority.

The District shall replace or repair the water supply system serving it whenever the water supply:

- (a) contains microbiological contaminants in excess of the maximum levels acceptable to DPPHS, DEQ, or local health authority.
- (b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

If the District cannot make water under pressure available, the drinking water from an approved source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be provided.

Flushing and Testing

The District shall review water systems and features including but not limited to sink faucets, drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create and implement a flushing program unless it meets the established waiver requirements

established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

- (a) connecting to a compliant public wastewater system; or
- (b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular 4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS,

DEQ, or local health authority.

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

17.38.207

Maximum Microbiological Containment Levels

37.111.832

Water Supply System

Title 17, chapter 38, subchapter 1

Public Water and Sewer Plans, Cross Connections, and Drilling Water Wells

Cross References

8410

Description

[Operation and Maintenance of District Facilities](#)

PENDING

Policy 8420: District-Wide Asbestos Program

Status: ADOPTED

Original Adopted Date: 01/12/1999 | **Last Reviewed Date:** 01/12/1999

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) dated October 30, 1987 and all of its amendments, alterations and changes be complied with by all district employees, vendors and contractors. Although the AHERA act is detailed in its regulations regarding the duties of the school district, it does not define its responsibilities to any lower level. The purpose of this policy is to define those individuals responsible for various requirements of the AHERA act, set time tables for compliance of the provisions of the act, and to set general guidelines involving the district's compliance in those areas that are non-mandatory in the act.

Designated Person

The Superintendent or his/her designee shall appoint a designated person or persons as required in 40 CFR Part 763.80. This person shall be fully cognizant of the AHERA act and specifically shall

1. Be in a position to understand the financial requirements available to the district and procurement procedures of the district.
2. Seek adequate training to perform all duties assigned under this policy. Such training shall provide as necessary basic knowledge of:
 - a. The health effects of asbestos.
 - b. Detection, identification and assessment of asbestos-containing materials (ACM).
 - c. Options for controlling asbestos-containing building materials (ACBM).
 - d. Asbestos management programs.
3. Follow all federal and state regulations concerning asbestos, including those of the Occupational Safety & Health Administration, the U.S. Department of Labor, the U.S. Department of Transportation and the U.S. Environmental Protection Agency.
4. Supervise the preparation and implementation of an asbestos management plan.
5. Make decisions regarding which response actions comply with the act.
6. Know and direct what to do in the event of an ACM fiber release.
 1. Insure proper training of district custodial personnel as required by the act.
 8. Insure that the six-month periodic surveillances are carried out on time and by adequate personnel.
 9. Insure that maintenance and other short-term workers are properly notified of the location and effects of asbestos in areas they may be working.
 10. Insure that all employees, building occupants, or their legal guardians are informed at least once each school year about inspections, response actions and post-response activities including periodic re-inspection and surveillance activities that are planned or in progress.
11. Aid in the design and implementation of the operation and maintenance portion of the asbestos program.
12. Insure that surfaces whose assessment after inspection, are found to be in the most hazardous category are immediately cleaned as required by the act.
13. Insure that warning labels are in place as required by the act.
14. Insure that the three-year re-inspections occur on time and in accordance with the act.
15. Assist principals in notifying the parents, teachers and staff of inspections, response actions and re-inspections.
16. Personally inspect after any response action the area involved in the response action activity.

17. Insure that the management plan is updated as required by the act.
18. Maintain records of the following:
 - a. All employee training
 - b. All inspections and periodic surveillances
 - c. All cleaning of friable areas
 - d. All disturbances of friable ACM by short term workers and others
 - e. All minor and major fiber releases
 - f. All minor and major abatements
 - g. The transportation and burial of all asbestos

Principals

Each principal shall insure that notice is given to each staff member during the first month of employment of each school year or the first 30 days of employment if hired midyear that a copy of their building's management plan is available in the maintenance office. A permanent notice in the building faculty handbook would be considered adequate notice for teachers. Other written means should be found for other employees in the building.

Each principal shall insure that all guardians of students enrolled in his/her building receive a copy of a letter complying with 763.93(a) (10) during the first 30 days of each year's enrollment.

The publishing of this letter in the form of a notice in a parent handbook will be considered adequate notice to guardians of all students, if the method of distribution of the handbook can reasonably be expected to assure that each guardian receives a copy of the handbook.

Asbestos Removal Priorities

The policy of Browning School District with regard to the removal of asbestos containing building materials shall be as follows:

- a. Thermal system installation (TSI) shall be removed from all spaces except grade level pipe tunnels by the year 1996. The designated person shall insure that those locations with the most hazardous assessment are removed first, and that removal occurs on a continuing basis until all asbestos TSI is removed from the functional spaces of this district.
- b. Asbestos-containing TSI materials in the district's on-grade tunnels shall be enclosed in those spaces. Short-term worker and maintenance worker exposure to these spaces shall be controlled and managed through the Operations & Maintenance portion of the management plan.
- c. Asbestos-containing surfacing material (walls, floors, ceilings, etc.) shall not be removed from district spaces unless the material is friable, damaged or there exists a potential for damage. Otherwise, asbestos-containing surfacing material shall remain in place and enclosed or encapsulated as recommended by the management plan.
- d. Miscellaneous asbestos material shall be removed, enclosed, encapsulated or controlled as determined by the various factors of assessment required by the act and as specified by the management plan.

United States Code References

15 USC 2641

Description

Congressional findings and purpose

Cross References

8410

Description

[Operation and Maintenance of District Facilities](#)

Policy 8421: Lead Renovation

Status: ADOPTED

Original Adopted Date: 08/25/2021 | Last Reviewed Date: 06/30/2021

Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

“Renovation” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Superintendent with EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
 - (i) **Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility. The School District will also include information about how parents and guardians may choose to receive the pamphlet via email in a consent and enrollment form.**
 - (ii) **While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.**
4. **The renovation company must prepare, sign, and date a statement describing the steps**

performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

Recordkeeping Requirements*

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

**Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).*

United States Code References

15 U.S.C. 2682 and 2886

Description

Toxic Substances Control Act

Code of Federal Regulations References

40 CFR Part 745, Subpart E

Description

Lead-based paint poisoning in certain residential structures

Cross References

8410

Description

[Operation and Maintenance of District Facilities](#)

Policy 8425: Service Animals

Status: ADOPTED

Original Adopted Date: 03/13/2012 | **Last Reviewed Date:** 03/13/2012

For the purposes of this policy, service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including 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 P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Browning 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.

Montana Code Annotated References

49-4-203

Description

Definitions

United States Code References

29 USC 701, et seq

42 USC 12101, et seq.

Description

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

Code of Federal Regulations References

28 CFR 35.104

28 CFR 35.136

34 CFR 104

Description

Definitions

Service Animals

Section 504 of Rehabilitation Act

Cross References

2162

2162-P(1)

5002

Description

[Section 504](#)

[Section 504](#)

[Accommodating Individuals With Disabilities](#)

PENDING

Policy 8430: Records Management

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 05/26/2021

Records Management

The District will retain, in a manner consistent with applicable law and the state's *Rules for Disposition of Local Government Records*, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, "records" are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Information Security Breach

Information security breaches shall be handled in accordance with 30-14-1704, MCA, Computer Security Breach, including, but not limited to, investigations and notifications.

Montana Code Annotated References

Description

20-1-212	Destruction of Records by school officer
20-9-215	Destruction of certain financial records
30-14-1704	Computer Breach Security

Administrative Rules of Montana References

24.9.805

Description

Employment Records

Cross References

1401

Description

[Records Available to Public](#)

PENDING

Policy 8450: Automatic External Defibrillators (AED)

Status: ADOPTED

Original Adopted Date: 04/25/2012 | **Last Reviewed Date:** 04/25/2012

The Board of Trustees of Browning School District #9 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:

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;

Adhere to the written plan required by subsection (1);

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;

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;

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;

Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the

AED is located:

- a. A copy of the plan prepared pursuant to this section; and
- b. Written notice, in a format prescribed by the DPHHS rules, stating:
 - i. That an AED program has been established by the District;
 - ii. Where the AED is located; and
 - iii. How the use of the AED is to be coordinated with the local emergency medical service system.

Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that 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.

Montana Code Annotated References

50-6-501, et seq

Description

Automated External Defibrillator Programs

Administrative Rules of Montana References

Title 37, Chapter 104, subchapter 6

Description

Automated External Defibrillator

Notice Form 8450-NF(1): Automatic External Defibrillators (AED) - AED Forms

Status: ADOPTED

Original Adopted Date: 06/30/1997 | **Last Reviewed Date:** 06/30/1997

BROWNING 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: _____

List series of events from the start of the emergency until its conclusion: _____

Your Signature: _____

Please forward to the Superintendent of Schools no later than forty-eight (48) hours after the incident.

Exhibit - School Staff AED Notification Letter

(On District letterhead)

Date:

To: Staff members

Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our gymnasium or other indoor physical fitness facility. This plan includes access to an Automatic External Defibrillator (AED) in the following locations in these buildings:

Building Location

The AED's are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during on-site school activities. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent.

The following information is posted with each AED:

1. Instructions to immediately call 9-1-1 and instructions for emergency care.
2. A statement that the AED is to be used only by trained users.
3. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. We appreciate your support.

Sincerely,

Superintendent

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.

Montana Code Annotated References

50-6-501, et seq

Description

Automated External Defibrillator Programs

Administrative Rules of Montana References

Title 37, Chapter 104, subchapter 6

Description

Automated External Defibrillator

PENDING

Policy 8502: Construction and Repairs

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Reviewed Date:** 09/29/1999

Browning Public Schools

Policy # 9231

Policy Name: Architect and Engineering Services

Regulation:

The Superintendent or designee shall invite architects and/or engineers to express interest in performing such necessary planning services for the District. Advertising shall be designed to reach a wide geographical area to help insure gender and minority applicant consideration.

Interested firms will be requested to submit a state of qualifications and performance data to enable the Board to determine which architectural or engineering firm will best serve the needs of the District. Criteria for selection of a firm shall include, but not be limited to, quality and breadth of staff, design of similar projects, production capability, supervision and quality control, relationship with clients, cost estimates and budget control.

The Superintendent is directed to establish necessary procedures to solicit and screen qualified engineers and architects. The Superintendent shall recommend one or more firms to the Board for its consideration. The Board and the successful architectural or engineering firm shall enter into a contract for the necessary services. In the event the Board and the selected firm are unable to negotiate a fair and reasonable fee, the trustees may select another firm provided reasonable public notice of the selection is given.

Contractor Surety Bonds and Insurance

Each contractor's bid must be accompanied by a bid bond, or other security authorized by state law in the amount of at least ten percent of the total bid amount, excluding taxes. Any bid, which is not successful, shall entitle the bidder to a refund of its security or bond. The successful bidder shall have his bond or security retained until such a time as it is determined that the bidder shall complete the contract. All bids received shall specify whether the district or the contractor shall carry fire, liability, or other insurance during construction.

The successful bidder is required to make, execute and deliver to the board a good and sufficient performance bond with two or more sureties or a surety company which shall state that the contractor shall execute and faithfully perform the provisions of the contract and shall pay all subcontractors and material suppliers as required by law.

Contractor Assurance

Regulation:

No contract shall be let to any contractor who is not licensed or registered as required by the laws of this State and the Blackfeet Tribe. Nor shall a contractor be granted a contract unless a statement is submitted and sworn to which states that the contractor is in compliance with the state laws relating to prevailing wage and residence requirements for public works and with state and federal laws relating to non-discrimination in hiring. Such a statement must be a provision or clause in the contract.

In addition, no contract shall be let to any contractor if the provision of (20-9-204) Conflicts of Interests, Letting Contracts, and Calling for Bids would be violated.

: Educational Specifications

Facilities shall be designed to accommodate the educational and instructional needs of the district. The professional experience and judgment of staff shall be solicited in developing such educational specifications. The law requires that special attention be given to accessibility to the education program by students of both genders and those with disabilities. The Superintendent and his/her designee shall see that all construction projects comply with the requirements for accessibility for individuals with disabilities and comparability between the genders. The architect shall be responsible for ensuring compliance with state and federal laws including access for individuals with

disabilities and requirements for gender comparability.

Montana Code Annotated References

	Description
18-2-201, et seq	Performance, Labor, and Material bonds
18-2-402	Standard prevailing rate of wages
18-2-404	Approval of contract - bond
18-2-430	Preference of Montana labor in public works - wages
20-6-631	When contracts for architectural services required
20-6-633	Hiring for architectural services authorized
50-1-206	Regulation in schools on matters of health

Administrative Rules of Montana References

	Description
10.55.701	Board of Trustees
37.111.804	Preconstruction Review
37.111.805	Existing Building - Change of Use

Cross References

	Description
8410	Operation and Maintenance of District Facilities

PENDING

Procedure 8502-P(1): Construction and Repairs - Facilities Master Plan

Status: ADOPTED

Original Adopted Date: 09/29/1999 | **Last Reviewed Date:** 09/29/1999

Browning Public Schools

Policy #9110

Policy Name: *Facilities Master Plan*

Regulation:

In order to efficiently manage the district's present and future facilities needs, the Board shall cause a facilities master plan to be developed. Such plan shall cover a ten-year period, be reviewed annually and include at least the following:

1. A cost analysis of financial ability of the district to implement its facilities program.
2. Existing and projected student enrollment figures.
3. An inventory of the district's undeveloped property and developed facilities, including an analysis of the number of students in each facility and whether the facility is over or under-crowded.
4. An analysis of the appropriateness of the facilities to meet the needs of students, including their acceptability to students of both genders and those with disabilities.
5. Recommendations as to the sale or other disposition of district property not needed in the future.
6. Recommendations as to the acquisition, construction or modification of new sties of facilities and how such shall better meet the needs of students and the educational program.

Montana Code Annotated References

Montana Code Annotated References	Description
18-2-201, et seq	Performance, Labor, and Material bonds
18-2-402	Standard prevailing rate of wages
18-2-404	Approval of contract – bond
18-2-430	Preference of Montana labor in public works - wages
20-6-631	When contracts for architectural services required
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50-1-206	Regulation in schools on matters of health

Administrative Rules of Montana References

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
37.111.804	Preconstruction Review
37.111.805	Existing Building – Change of Use

Cross References

Cross References	Description
8410	Operation and Maintenance of District Facilities

Policy 8550: Cyber Incident Response

Status: ADOPTED

Original Adopted Date: 06/30/2021 | **Last Reviewed Date:** 05/26/2021

Cyber Incident Response

A cyber incident is a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard computer security practices. An incident response capability is necessary for rapidly detecting incidents, minimizing loss and destruction, mitigating the weaknesses that were exploited, and restoring computing services.

The School District is prepared to respond to cyber security incidents, to protect District systems and data, and prevent disruption of educational and related services by providing the required controls for incident handling, reporting, and monitoring, as well as incident response training, testing, and assistance.

Responsibilities of Specific Staff Members

Individual Information Technology User: All users of District computing resources shall honor District policy and be aware of what constitutes a cyber security incident and shall understand incident reporting procedures.

District Information Technology Director : Provide incident response support resources that offer advice and assistance with handling and reporting of security incidents for users of School District information systems. Incident response support resources may include, but is not limited to: School District information technology staff, a response team outlined in this policy, and access to forensics services.

Establish a Cyber Security Incident Response Team (CSIRT) to ensure appropriate response to cyber security incidents. The CSIRT shall consist of 3 Members. CSIRT responsibilities shall be defined in the School District position descriptions.

District Superintendent: Develop organization and system-level cyber security incident response procedures to ensure management and key personnel are notified of cyber security incidents as required.

Procedures

Designated officials within the District shall review and approve incident response plans and procedures at least annually. The incident response plans and/or procedures shall:

- Provide the District with a roadmap for implementing its incident response capability
- Describe the structure and organization of the incident response capability
- Provide a high-level approach for how the incident response capability fits into the overall organization
- Meet the unique requirements of the District, which relate to mission, size, structure, and functions
- Define reportable incidents
- Provide metrics for measuring the incident response capability within the organization
- Define the resources and management support needed to effectively maintain and mature an incident response capability

Upon completion of the latest incident response plan, designated officials shall:

- Distribute copies of the incident response plan/procedures to incident response personnel.
- Communicate incident response plan/procedure changes to incident response personnel and other organizational elements as needed.
- Provide incident response training to information system users consistent with assigned roles and

responsibilities before authorizing access to the information system or performing assigned duties, when required by information system changes; and annually thereafter.

- Test the incident response capability for the information systems they support at least annually to determine effectiveness.
 - Track and document information system security incidents.
 - Promptly report cyber security incident information to appropriate authorities in accordance with reporting procedures.
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PENDING