

# CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

## 1000 SERIES THE BOARD OF TRUSTEES

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Clinton Elementary

Adopted on:  
Reviewed on:

1000 - R

BOARD OF TRUSTEES

Revised on: 02/10/15

Legal Status, Operation and Organization

The legal name of this District is Clinton School District No. 32, Missoula County, State of Montana. The District is classified as a class three (3) district and is operated according to the laws and administrative rules pertaining to a class three (3) district.

The Board of Trustees of Clinton School District No. 32 is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District's operations.

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

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

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

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

1 **Clinton School District**

2  
3 **FLEXIBILITY AND EFFICIENCY**

4  
5  
6 Proficiency-Based ANB

7  
8 It is the policy of the District to increase the flexibility and efficiency of the District’s resources  
9 by utilizing the provision of law allowing proficiency-based ANB.

10  
11 The school district has a definition of proficiency within the meaning of that term as used in  
12 Section 20-9-311(4)(d) and Section 20-7-1601, MCA. The definition must not require seat time  
13 as a condition or other element of determining proficiency. The definition must be incorporated  
14 in the district's policies and must be used for purposes of determining content and course mastery  
15 and other progress, promotion from grade to grade, grades, and graduation for pupils enrolled in  
16 the district's transformational learning program.

17  
18 Definition of Proficiency

19 For purposes of this policy, the term “proficiency” means a degree of mastery of the underlying  
20 content through application in a performance assessment for a course that is reflective of a final  
21 grade, in the professional opinion of the teacher of record, of not less than a “B”. The  
22 determination of proficiency by a teacher must not require seat time as a condition or other  
23 element of determining proficiency.

24  
25 The determination of proficiency for a pupil enrolled in a course shall be made no earlier than  
26 the deadline for submitting the final grade for the course. The determination of proficiency for a  
27 pupil not enrolled in a course shall be based on the pupil’s mastery of the underlying content of  
28 the course, demonstrated through completion of a final exam designed by the teacher of record  
29 for the applicable course with a minimum grade of a “B”.

30  
31 Teachers of record have full professional discretion in determining proficiency of pupils in  
32 courses taught. Teachers of record are encouraged to integrate trial and error into the learning  
33 process and to incorporate continued opportunity for practice and revision of assignments until a  
34 pupil reaches a performance level that demonstrates to the teacher’s satisfaction that mastery of  
35 learning expectations has been attained.

- 36  
37 1. The District may include in its calculation of ANB a pupil who is enrolled in a program  
38 providing fewer than the required aggregate hours of pupil instruction required under  
39 Montana law if the pupil has demonstrated proficiency in the content ordinarily covered  
40 by the instruction as determined by the school board using district assessments. The ANB  
41 of a pupil who demonstrates proficiency in any content/subject matter will be converted  
42 to an hourly equivalent based on the hours of instruction ordinarily provided for the  
43 content over which the student has demonstrated proficiency.
- 44  
45 2. The District may, on a case-by-case basis, provide fractional credit for partial  
46 completion of a course for a student who is unable to attend class for the required amount

1 of time.

- 2
- 3 3. The District may waive specific course requirements based on individual student needs  
4 and performance levels. Waiver requests shall also be considered with respect to age,  
5 maturity, interest, and aspirations of the students and shall be in consultation with the  
6 parents or guardians.  
7
- 8 4. At the discretion of the District, a student may be given credit for a course satisfactorily  
9 completed in a period of time shorter or longer than normally required and, provided that  
10 the course meets the District's curriculum and assessment requirements, which are  
11 aligned with the content standards stated in the education program. Examples of  
12 acceptable course work include, but are not necessarily limited to, those delivered  
13 through correspondence, extension, and distance learning courses, adult education,  
14 summer school, work study, specially designed courses, and challenges to current  
15 courses.  
16

17

18

19 Legal Reference:	20-1-301, MCA	School fiscal year
	20-9-311(4)(a)(b)(d), MCA	Calculation of average number belonging (ANB) – 3-year averaging
	20-3-324, MCA	Powers and duties
	10.55.906 ARM	High School Credit
	20-7-1601, MCA	Personalized learning
	<u>Chapter 307 (2023)</u>	<u>Revise transformational learning program</u>

26

27

28 Policy History:

29 Adopted on: 10/10/23

30 Reviewed on:

31 Revised on:

1 **Clinton School District**

2  
3 **FLEXIBILITY AND EFFICIENCY**

1007FE

4  
5 Multidistrict Agreements

6  
7 It is the policy of the District to increase the flexibility and efficiency of the District’s resources by  
8 utilizing multidistrict agreements whenever possible.  
9

10 Montana law at Section 20-3-363, MCA, allows the boards of trustees of any two or more school districts  
11 to enter into a multidistrict agreement to create a multidistrict cooperative to perform any services,  
12 activities, and undertakings of the participating districts in support of the schools of the districts and to  
13 provide for the joint funding and operation and maintenance of all participating districts upon the terms  
14 and conditions as may be mutually agreed to by the districts  
15

16 A multidistrict agreement may include an agreement through which one district provides culturally rooted  
17 instruction aligned to a learning environment for English language learners or an Indian language  
18 immersion program to pupils of a district participating in the multidistrict agreement. The costs and other  
19 terms of service must be reflected in the multidistrict agreement.  
20

21 The agreement must be approved by the boards of trustees of all participating districts and must include a  
22 provision specifying terms upon which a district may exit the multidistrict cooperative. The agreement  
23 may be for a period of up to 3 years.  
24

25 All expenditures in support of the multidistrict agreement may be made from the interlocal cooperative  
26 fund as specified in 20-9-703 and 20-9-704. Each participating district of the multidistrict cooperative  
27 may transfer funds into the interlocal cooperative fund from the district's general fund, budgeted funds  
28 other than the retirement fund or debt service fund, or non-budgeted funds other than the compensated  
29 absence liability fund. Transfers to the interlocal cooperative fund from each participating school district's  
30 general fund are limited to an amount not to exceed the direct state aid in support of the respective school  
31 district's general fund. Transfers from the retirement fund and debt service fund are prohibited. Transfers  
32 may not be made with funds restricted by federal law unless the transfer is in compliance with any  
33 restrictions or conditions imposed by federal law.  
34

35 Expenditures from the interlocal cooperative fund are limited to those expenditures that are permitted by  
36 law and that are within the final budget for the budgeted fund from which the transfer was made.  
37

38 If transfers of funds are made from a District fund supported by a non-voted levy, the District may not  
39 increase its non-voted levy for the purpose of restoring the amount of funds transferred.  
40

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

- 42 • A district with a separate high school and elementary budget can enter into an agreement within  
43 the district;
- 44 • A district may enter into an agreement with any other school district(s) for the sharing of  
45 resources, including supplies, services, personnel, etc.  
46

47 Legal Reference:	20-3-363, MCA	Multidistrict agreements – fund transfers
	20-9-703, MCA	District as prime agency
	2-9-704, MCA	District as cooperating agency
	Chapter 580 (2023)	Remote Instruction

- 1
- 2 Policy History:
- 3 Adopted on: 3/12/24
- 4 Reviewed on:
- 5 Revised on:

1 **Clinton School District**

2  
3 **FLEXIBILITY AND EFFICIENCY**

4  
5  
6 Recruitment and Retention

7  
8 It is the policy of the District to utilize all resources available to meet the District’s objective of  
9 recruiting and retaining high quality staff focused on the individual success of each student. To  
10 meet this objective the District will utilize the flexible instructor licensure opportunities available  
11 to the District.

12  
13 Flexible Instructor Licensing

14  
15 It is the policy of the District to increase the flexibility and efficiency of the District’s resources  
16 by utilizing the provision of law allowing flexibility in licensure of instructors and as a means of  
17 addressing recruitment and retention of staff. Flexibilities in the following areas are available for  
18 the District’s enhancement of its programs and services with a focus on individual student  
19 success:

- 20  
21 • Internships
- 22 ○ Available to anyone with a current license and endorsement in one subject who
  - 23 wants to move to a new licensed role/endorsed area.
  - 24 ○ Requirements must be satisfied within 3 years
  - 25 ○ Must include a plan between the intern, the school district and an accredited
  - 26 preparation program
- 27
- 28 • Provisionally Certified
- 29 ○ May be issued to an otherwise qualified applicant who can provide satisfactory
  - 30 evidence of:
    - 31 ▪ The intent to qualify in the future for a class 1 or class 2 certificate and
    - 32 ▪ Who has completed a 4-year college program or its equivalent, and
    - 33 ▪ Holds a bachelor’s degree from a unit of the Montana university system or
    - 34 its equivalent.
- 35
- 36 • Substitutes
- 37 ○ Must have a GED or high school diploma
  - 38 ○ Will have completed 3 hours of training by the district
  - 39 ○ Will have submitted a fingerprint background check
  - 40 (All requirements can be waived by the district if the substitute has prior
  - 41 substitute teaching experience in another public school from November 2002 to
  - 42 earlier)
  - 43 ○ May not substitute more than 35 consecutive days for the same teacher, however
  - 44 the same substitute can be used for successive absences of different staff as long
  - 45 as each regular teacher for whom the substitute is covering is back by 35
  - 46 consecutive teaching days



- 1       • Retired Educators
  - 2           ○ School district must certify to OPI and TRS that the district has been unable to fill
  - 3           the position due to no qualified applications or no acceptance of offer by a non-
  - 4           retired teacher.
  - 5           ○ A retired teacher with a date of termination through December 31, 2023, may not
  - 6           be employed under this provision until the retired teacher has a break in service of
  - 7           150 calendar days. A retired teacher with a date of termination of January 1, 2024,
  - 8           or later, may not be employed under this provision until the employee has a break
  - 9           in service of 120 calendar days.
  - 10          ○ Limited to employment in a second or third class elementary district or a second
  - 11          or third class high school district.
  - 12          ○ Retired teacher must have 27 years of experience in TRS.
  - 13          ○ There is a 3-year lifetime limit on the retired individual ~~going to working~~ going to working under
  - 14          this provision.
  - 15
- 16       • Class 3 Administrative License
  - 17           ○ Valid for a period of 5 years
  - 18           ○ Appropriate administrative areas include: elementary principal, secondary
  - 19           principal, K-12 principal, K-12 superintendent, and supervisor.
  - 20           ○ Must be eligible for an appropriately endorsed Class 1,2 or 5 license to teach in
  - 21           the school(s) in which the applicant would be an administrator or would
  - 22           supervise, and qualify as set forth in ARM 10.57414 through 10.57.418
  - 23           ○ An applicant for a Class 3 administrative license who completed an educator
  - 24           preparation program which does not meet the definition in ARM 10.57.102(2),
  - 25           who is currently licensed in another state at the same level of licensure, may be
  - 26           considered for licensure with verification of five years of successful
  - 27           administrative experience as defined in ARM 10.57.102 as documented by a
  - 28           recommendation from a state accredited P-12 school employer on a form
  - 29           prescribed by the Superintendent of Public Instruction and approved by the Board
  - 30           of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be
  - 31           met by an applicant seeking a superintendent endorsement.
  - 32
- 33       • Class 4 for CTE
  - 34           ○ Valid for a period of 5 years
  - 35           ○ Renewable pursuant to the requirements of 10.57.215, ARM and the requirements
  - 36           specific to each type of Class 4 license.
  - 37           ○ 4A – for licensed teachers without a CTE endorsement
  - 38           ○ 4B – for individuals with at least a bachelor’s degree
  - 39           ○ 4C – for individuals with a minimum of a high school diploma or GED
  - 40
- 41       • Class 5 alternatives
  - 42           ○ Good for a maximum of 3 years
  - 43           ○ Requirements dependent upon the alternative the district is seeking
  - 44
- 45       • 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

- Alternative Teacher Credentialing

The District may employ a teacher possessing a Class 2 certificate issued after completing a certification and endorsement program that meets the requirements of alternative teacher credentialing consistent with Montana law and has been approved by the board of public education upon recommendation of the superintendent of public instruction.

### Teacher Residency Program

In accordance with Montana law, the District may participate in a teacher residency program consistent with the terms established by the Office of Public Instruction, professional educator preparation program, and Board of Trustees in order to recruit and retain high-quality teachers.

### Loan Repayment Program

The District may assist any quality educator who meets the qualifications for the state’s loan repayment program at the discretion of the Board of Trustees. Loan repayment assistance may be provided on behalf of a quality educator who: (1) is employed newly hired in an identified impacted school experiencing a critical quality educator shortage outlined area as defined in Section-20-4-503~~2~~, MCA; and (2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.

A quality educator is eligible for state-funded loan repayment assistance for a lifetime total of no more than 3 years and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school or the district under which the impacted school is operated, with the maximum annual loan repayment assistance not to exceed:

- \$3,000 of state-funded loan repayment assistance after the first complete year of teaching in an impacted school;
- \$4,000 of state-funded loan repayment assistance after the second complete year of teaching in the same impacted school or another impacted school within the same school district;
- \$5,000 of state-funded loan repayment assistance after the third complete year of teaching in the same impacted school or another impacted school within the same school district; and
- up to \$5,000 of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth complete year of teaching in the same impacted school or another impacted school within the same school district.

Legal References: 10.55.716, ARM      Substitute Teachers

1	10.55.607, ARM	Internships
2	10.57.107, ARM	Emergency Authorization of Employment
3	10.57.215, ARM	Renewal Requirements
4	10.57.420, ARM	Class 4 Career and Technical Education License
5	10.57.424, ARM	Class 5 Provisional License
6	19-20-732, MCA	Reemployment of certain retired teachers, specialists and administrators – procedure – definitions
7		
8		
9	20-4-501-20-4-505	Loan Repayment Assistance for Quality Educator
10	Chapter 232 (2023)	Quality Educator Loan Assistance Program
11	Chapter 470 (2023)	Alternative Teacher Credentialing
12	Chapter 135 (2023)	Revise TRS
13	Chapter 740 (2023)	Revise State Finance
14		

15 Policy History:  
16 Adopted on:  
12/12/23  
17 Reviewed on:  
18 Revised on:

1 **Clinton School District**

2  
3 **FLEXIBILITY AND EFFICIENCY**

4  
5  
6 Early Childhood Education Enrollment Exceptional Circumstances  
7

8 It is the policy of the District to provide enhanced educational opportunities to students under the age of 5  
9 when either individual exceptional circumstances exist and/or when Community-Based exceptional  
10 circumstances are present.

11  
12 This policy shall terminate and expire on June 30, 2024, to be replaced in its entirety by a policy  
13 governing early intervention programs consistent with Chapter 608 (2023).  
14

15 ***Prohibition:*** *This policy cannot be used to provide what is otherwise characterized or referred to as a*  
16 *pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid*  
17 *for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria*  
18 *are met.*

19  
20 Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

21 *Note: In order to adopt this policy, the board of trustees must select one or more of the characteristics*  
22 *identified in either Option A or Option B.*  
23

24 The administration shall ensure admission, enrollment and assignment of all qualifying children  
25 referenced in this policy. The administration shall place children enrolled pursuant to this policy in either  
26 a half-time or full-time kindergarten program as an integral part of the elementary school program. The  
27 administration shall also ensure provision of a free appropriate public education in the least restrictive  
28 environment possible, pursuant to terms of each student’s individualized education program, for all  
29 children enrolled under this policy who are qualified for services under the Individuals with Disabilities  
30 Education Act.  
31

32 The administration shall include children enrolled pursuant to this policy in the district’s calculation of  
33 average number belonging (ANB) as reported to OPI.  
34

35 ***Option A, Student-Specific Exceptional Circumstances:*** *To be used when the board of trustees wants*  
36 *to define exceptional circumstances specific to the individual characteristics of each student or sub-*  
37 *group of students.*  
38

39 The Board of Trustees declares the following to be qualifying “exceptional circumstances” within the  
40 meaning of that term as used in Section 20-5-101(3), MCA, that merit waiving the age provisions of  
41 Section 20-5-101(1), MCA for qualifying children under 5 years of age. These qualifying exceptional  
42 circumstances are based on the educationally relevant factors to establish a basic system of free quality  
43 public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article  
44 X, section 1, of the Montana Constitution:  
45

46 *Note: Each of the below should be considered separately for inclusion or exclusion in the Board’s*  
47 *adopted policy. Note: When enrolling on the basis of an individual student’s characteristics under this*  
48 *Option A, the District must be sure to document each qualifying student’s characteristics to ensure that*  
49 *criteria listed in this portion of the policy can be substantiated.*  
50

- 1 1. A child at least 3 years of age with a disability qualifying the child for services under the federal
- 2 Individuals with Disabilities Education Act.
- 3 2. A child who is 4 years of age or older on or before September 10 of the school year in which
- 4 enrollment is to occur who:
  - 5 a. Meets the income eligibility guidelines for free or reduced-price meals under the National
  - 6 School Lunch Program;
  - 7 b. Is Limited English Proficient within the meaning of Title III of the federal Elementary
  - 8 and Secondary Education Act;
  - 9 c. Is Gifted and Talented within the meaning of that term as used in 20-7-901, MCA;
  - 10 d. Is an enrolled member of a federally recognized American Indian Tribe;
  - 11 e. Is homeless as defined in 42 U.S. Code § 11302, or, as determined by the administration,
  - 12 exhibits other characteristics or lives in circumstances that are uncommon, unusual,
  - 13 atypical, rare or otherwise distinguished from ordinary or typical which place the child at
  - 14 risk of failing to achieve at adequate levels;
  - 15 f. Is an at-risk student as defined in Section 20-1-101(4), MCA.

16  
17 ***Option B, Exceptional Circumstances Present in the Community: To be used only for in-district***  
18 ***students or homeless students under the McKinney Homeless Assistance Act when the board of trustees***  
19 ***wants to define exceptional circumstances applicable to the community’s characteristics, as opposed to***  
20 ***the individual characteristics of a particular student or sub-group of students.***  
21

22 The Board of Trustees declares the following to be qualifying “exceptional circumstances” within the  
23 meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA  
24 for children under 5 years of age who are either 4 years of age or older on or before September 10 of the  
25 school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying  
26 the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal  
27 Individuals with Disabilities Education Act. These qualifying exceptional circumstances are based on the  
28 educationally relevant factors to establish a basic system of free quality public elementary and secondary  
29 school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana  
30 Constitution:  
31

32 *Note: Each of the below should be considered separately for inclusion or exclusion in the Board’s*  
33 *adopted policy. When enrolling on the basis of demographic characteristics of the community under this*  
34 *Option B, The District must be sure to research and document all of the criteria incorporated into the*  
35 *school district’s policy that is used to enroll on the basis of exceptional circumstances.*  
36

- 37 1. Homeless rates of the district’s pupils as defined in 42 U.S. Code § 11302 in comparison to
- 38 statewide averages;
- 39 2. Percentage of the district’s pupils qualifying for services under The Federal Individuals with
- 40 Disabilities Education Act in comparison to statewide averages;
- 41 3. Percentage of the district’s pupils eligible for free or reduced lunch under the National School
- 42 Lunch Program in comparison to statewide averages;
- 43 4. Average performance on standardized tests at the 3<sup>rd</sup> grade level in comparison to statewide
- 44 averages;
- 45 5. Percentage of the district’s pupils who are enrolled members of a federally recognized American
- 46 Indian Tribe in comparison to statewide averages.
- 47 6. Percentage of at-risk student as defined in Section 20-1-101(4), MCA, in comparison to statewide
- 48 averages.
- 49 7. Percentage of gifted and talented pupils as used in 20-7-901, MCA, in comparison to statewide
- 50 averages.

8. Percentage of Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act, in comparison to statewide averages.
9. The following circumstances exist within the community affecting student learning identified by the local board of trustees pursuant to Section 20-9-309(2)(h), MCA, and identified within federal law pursuant to Section 20-9-309(4)(a)(v), MCA, including but not limited to educational priorities identified within the Elementary and Secondary School Emergency Relief Fund established by American Rescue Plan Act, Public Law 117-2 and demonstrated by peer reviewed and academic studies on the impacts of community health crises:
  - a. Anticipated learning loss resulting from a public health emergency or other community disaster.
  - b. Basic Proficiency in literacy and numeracy are critical skills needed to advance learning and if not attained prior to grade 3 in the early grades, will put students at lifelong disadvantage in pursuing success in career and life.
  - c. Absence of available early childhood education opportunities in the community results in anticipated learning loss or lack of school readiness.
  - d. Cost prohibitive nature of early childhood education opportunities in the community results in disparity of access that contributes to anticipated learning loss or lack of school readiness.
  - e. Improved access to early childhood education opportunities in the community will encourage or expand parent entry into workforce and allow for further development of the community's economy.

The trustees shall annually review this policy based on changing circumstances pertaining to the criteria used for determination of the program. The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.

Legal Reference:	§ 20-4-101, MCA	Definitions
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-6-501, MCA	Definition of various schools
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined
	Article X, section 1, of the Montana constitution	
	Individual with Disabilities Act Federal Rehabilitation Act of 1973	
	National School Lunch Act (Public Law 396, 79 <sup>th</sup> congress, chapter 281)	
	Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)	
	McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.	
	<u>Chapter 608 (2023) - Targeted interventions to support 3rd grade reading proficiency</u>	

Data/Study Reference: Engzell, P., Frey, A. & Verhagen, M. D. [“Learning loss due to school closures during the COVID-19 pandemic”](#) *Proc. Natl Acad. Sci. USA* 118, e2022376118 (2021).  
 Melinda Wenner Moyer, [“The COVID generation: how is the pandemic affecting kids’ brains?”](#), *Nature*, 10.1038/d41586-022-00027-4, 601, 7892, (180-183), (2022).

Policy History:  
 Adopted on: 4/27/21

- 1 Reviewed on:
- 2 Revised on:8/15/23

Clinton Elementary

Adopted on:  
Reviewed on:

1105 - R

BOARD OF TRUSTEES

Revised on: 02/10/15

Membership and Terms of Office

The District is governed by a Board of Trustees consisting of five (5) members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

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

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees
	§ 20-3-305, MCA	Candidate qualification and nomination
	§ 20-3-306, MCA	Conduct of election
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-341, MCA	Number of trustee positions in elementary districts – transition
	§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
	§ 20-3-361, MCA	Joint board of trustees organization and voting membership



**Clinton School District**

**THE BOARD OF TRUSTEES**

Taking Office

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability. The person shall qualify by taking an oath of office administered by the county superintendent, the superintendent’s designee, or any officer provided for by law. Such oath must be filed with the county superintendent not more than fifteen (15) days after the receipt of the certificate of election or the appointment.

Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until successors are elected and qualified. Terms of trustees are staggered as provided by law.

The District Clerk shall collaborate with the Office of Public Instruction to provide a link to the District website and contact information for trustees and the District Clerk within fourteen (14) days of trustee qualification and oathtaking.

Cross Reference:      Policy 1113                      Vacancies

Legal References:	§ 1-6-101, MCA	Officers who may administer oaths
	§ 2-16-116, MCA	Power to administer oaths
	§ 20-1-202, MCA	Oath of office
	§ 20-3-301, MCA	Election and term of office
	§ 20-3-307, MCA	Qualification and oath
	House Bill 811	Online Repository for Trustee Information

Policy History:

Adopted on: 9/13/11

Reviewed on: 2/10/15; 4/9/23

Revised on: 2/20/24

SCHOOL DISTRICT ORGANIZATION

School Board Elections

Elections conducted by the District are nonpartisan and are governed by applicable election laws as found in Title 13 and Title 20 of the Montana Code. 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 (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) 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 each candidate is filing also shall 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 Section 20-20-401, MCA. 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 cancel the election and shall 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 Section 20-20-401, MCA.

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.

The District will provide access to polling places and accessible voting technology for individuals with disabilities. The District Clerk will be responsible for assessing polling place for accessibility and ensuring reasonable access for individuals with disabilities.

Legal Reference:	§ 13-1-101	Definitions
	§ 13-10-211, MCA	Declaration of intent for write-in candidates
	§ 15-10-425, MCA	Mill levy election ( <i>Revised by House Bill</i> )

	543)
§ 20-3-304, MCA	Annual election
§ 20-3-305, MCA	Candidate qualification, nomination and withdrawal
§ 20-3-313, MCA	Election by acclamation – notice
§ 20-3-322, MCA	Meetings and quorum
§ 20-3-324(4), MCA	Powers and duties
§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA	Additional financing for general fund election for authorization to impose
§ 20-9-426, MCA	Preparation and form of ballots for bond election ( <i>Revised by House Bill 543</i> )
§ 20-20-105, MCA	Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA	Election Notice
§ 20-20-301, MCA	Qualifications of elector

Cross References:

Policy History:

Adopted on: 9/13/11

Reviewed on: 2/10/15

Revised: 2/20/24

Clinton Elementary

Adopted on:  
Reviewed on:

1112

BOARD OF TRUSTEES

Revised on: 02/10/15

Resignation

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

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

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

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



Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/18/11  
Revised on: 02/10/15

1120

BOARD OF TRUSTEES

Annual Organization Meeting

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on:

1130

BOARD OF TRUSTEES

Revised on: 08/09/05, 02/10/15

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Committees

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

Committees of the Board may be created and their purposes defined by a majority of the Board. The Board Chairperson shall appoint trustees to serve on such committees. Trustees serving on committees shall be limited to fewer than one-half (1/2) of the Board.

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

1 **School District**

2  
3 **THE BOARD OF TRUSTEES**

1210

4  
5 Qualifications, Terms, and Duties of Board Officers

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

9  
10 Chairperson

11  
12 The Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-  
13 352(2). If an additional trustee is chosen to serve as the Chairperson of an elementary district described  
14 in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district.  
15 The duties of the Chairperson include the following:

- 16  
17 • Preside at all meetings and conduct meetings in the manner prescribed by the Board’s policies;  
18 • Make all Board committee appointments;  
19 • Sign all papers and documents as required by law and as authorized by action of the Board;  
20 • Close Board meetings as authorized by Montana law; and  
21 • Act as spokesperson for the Board.  
22

23 The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board  
24 members, including the right to participate in debate and to vote. The Chairperson may make a motion and  
25 may make second motions.  
26

27 Vice Chairperson

28  
29 The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and shall  
30 perform all the duties of the Chairperson during the Chairperson’s absence or unavailability. The Vice  
31 Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson  
32 may delegate.  
33

34  
35 Cross Reference: 1120 Annual Organizational Meeting  
36  
37 Legal References: § 2-3-203, MCA Meetings of public agencies and certain  
38 associations of public agencies to be open to  
39 public – exceptions  
40 § 20-3-321(2), MCA Organization and officers  
41 § 20-3-351(1)(a), MCA Number of trustee positions in high school  
42 districts  
43 § 20-3-352(2), MCA Request and determination of number of high  
44 school district additional trustee positions –  
45 nonvoting trustee

46 Policy History:

47 Adopted on: November 9, 2021  
48 Reviewed on: November 9, 2021  
49 Revised on: November 1, 2021



Clinton Elementary

Adopted on:  
Reviewed on:

1230

BOARD OF TRUSTEES

Revised on: 02/10/15

Clerk

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

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

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

The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements of all school funds on an annual basis, unless the Board requests such reports on a more frequent basis. When the district conducts its' own elections, 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 Board and the Superintendent.

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

2  
3 **THE BOARD OF TRUSTEES**

4  
5 Duties of Individual Trustees

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

11  
12 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be  
13 prepared to participate in discussion and decision making for each agenda item.

14  
15 Unless exempt under Montana law, each trustee shall visit every school at least once per year to examine  
16 its management, conditions, and needs in accordance with the procedures adopted at Policy 1520.

17  
18  
19 All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give  
20 advance notice to the Chairperson or Superintendent, of the trustee’s inability to attend a Board meeting.  
21 A majority of the Board may excuse a trustee’s absence from a meeting if requested to do so.

22  
23 Board members, as individuals, have no authority over school affairs, except as provided by law or as  
24 authorized by the Board.

25  
26 Cross Reference:        1113    Vacancies

27  
28 Legal References:        § 20-3-301, MCA                    Election and term of office  
29                                § 20-3-308, MCA                    Vacancy of trustee position  
30                                § 20-3-324(22), MCA               Powers and duties  
31                                § 20-3-332, MCA                    Personal immunity and liability of trustees

32  
33 Policy History:  
34 Adopted on: 2/10/15  
35 Reviewed on:  
36 Revised on: 3/12/24

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# Clinton Elementary

Adopted on:  
Reviewed on:

1310 - R

BOARD OF TRUSTEES

Revised on: 02/10/15

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## District Policy and Procedures

### Adoption and Amendment of Policies

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

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

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

### Policy Manuals

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

### Suspension of Policies

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

### Administrative Procedures

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

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

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

## Clinton School District

### THE BOARD OF TRUSTEES

1400  
page 1 of 3

#### Board Meetings

For all meetings of the Board and its committees, the Clerk or designee shall satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This shall include providing meeting notification to news media that have officially requested it. The agenda for the meeting shall be posted through a link on the website of the newspaper of general circulation in the District, if offered free of charge, or through a link on the District's website or posted to the District's social media site(s). A copy of the agenda will also be posted at the entrance of Clinton School District, Clinton Post Office, and Clinton Market.

Except for an unforeseen emergency or as described below, all meetings must be held in a District building or, by unanimous consent of the Board, in a publicly accessible building located within the District. The Trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Decision making must still occur only at properly noticed meetings held within the District's boundaries.

#### ***Regular Meetings***

Unless otherwise specified by the Board, all regular meetings are held on the second Tuesday of the month at 6:00 pm, in the Clinton School, Room 36. If the time or place of a Board meeting is changed, notice shall be given in the same manner as provided for special meetings. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time.

#### ***Special Meetings***

Special meetings may be called by the Board Chair or by any two (2) members of the Trustees. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Trustee not less than forty-eight (48) hours prior to the time of the meeting. The 48-hour written notice is waived in the event of an unforeseen emergency or to consider a violation of the student code of conduct within a week of graduation. Written notice shall also be sent not less than twenty-four (24) hours prior to the meeting to each newspaper and radio or television station that has filed a written request for such notices.

#### ***Committee Meetings***

Committee meetings may be called by the Committee Chair, and are subject to the requirements of the Open Meetings Act, including notice and posting requirements.

#### ***Budget Meetings***

On or before August 20 of each year, the Board shall meet to consider all budget information and any attachments required by law. The Board may continue the meeting from day to day but shall adopt the final budget for the District and determine the amounts to be raised by tax levies for the

District not later than August 25, and before the computation of the general fund net levy requirement by the county superintendent and the fixing of the tax levies for each district.

Between July 1 and August 10 of each year, the Clerk shall publish one notice, in the *Fort Peck Journal*, stating the date, time, and place that the Board will meet for the purpose of considering and adopting the final budget. The notice must also state that the meeting may continue from day to day until the final adoption of the budget, and that any taxpayer may appear at the meeting and be heard for or against any part of the budget.

### ***Organizational Meeting***

After the issuance of the election certificates to the newly elected trustees in May, but not later than twenty-five (25) days after the election, the Board shall convene and elect from among its members a Chair and a Vice-Chair to serve one (1) year terms. The Chair shall serve until the next organization meeting and shall preside at all the meetings of the Board. In addition, the Board shall employ and appoint a competent person as the Clerk of the District at this meeting.

### ***Emergency Meetings***

In the event of a storm, fire, explosion, community disaster, insurrection, act of God, or other unforeseen destruction or impairment of school district property that affects the health and safety of the Trustees, students, District employees, or the educational functions of the district, the Board may meet immediately and take official action without prior notification.

### ***Executive Session of Any Meeting***

The Board or any committee may hold executive sessions to consider matters of individual privacy or 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. Prior to closing the meeting to consider matters of individual privacy, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The litigation strategy exception is not available if the litigation involves only public bodies or associations as parties.

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted ( <i>revised by House Bill 724</i> )
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public– exceptions
	§ 20-3-321, MCA	Organization and officers
	§ 20-3-322, MCA	Meeting and quorum ( <i>revised by House Bill 724</i> )

§ 20-9-115, MCA	Notice of final budget meeting
§ 20-9-131, MCA	Final budget meeting
10.55.701, ARM	Board of Trustees

Policy History

Adopted on: 7/18/23

Revised on:

Clinton Elementary

Adopted on:  
Reviewed on:

1401

BOARD OF TRUSTEES

Revised on: 02/10/15

Records Available to Public

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

An individual wishing public information that is in electronic format or other non-print media must submit a detailed description, to the Superintendent, of the information requested. The District will provide the public information as required under § 2-6-110, MCA.

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

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

Fees will be charged as follows:

- a) Copy of Board minutes - 15¢ per page
- b) Copy of other materials - 25¢ per page
- c) Time spent researching a copy project will be charged at the employee’s hourly rate of pay.

Legal References:	§ 2-6-102, MCA	Citizens entitled to inspect and copy public writings
	§ 2-6-110, MCA	Electronic Information and nonprint records
	§ 20-3-323, MCA	District policy and record of acts
	§ 20-9-213, MCA	Duties of trustees

Clinton Elementary

Adopted on: 08/09/05  
Reviewed on: 02/10/15

1402

BOARD OF TRUSTEES

Revised on:

School Board Use of Electronic Mail

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

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

Cross Reference:    1400   Board Meetings  
                           1401   Records Available to Public

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



4  
5 School Board Meeting Procedure

6  
7 Agenda

8  
9 The authority to set the board agenda lies with the Board Chair in consultation with board members  
10 and the administration. The act of preparing the board meeting agendas can be delegated to the  
11 Superintendent.

12  
13 Any topics requested by Board members or members of the public must first be approved by the Board  
14 Chair before being placed on the agenda. Citizens wishing to make brief comments about school  
15 programs or procedures will follow the public comment procedures in district policy.

16  
17  
18 The agenda also must include a "public comment" portion to allow members of the general public to  
19 comment on any public matter under the jurisdiction of the District which is not specifically listed on  
20 the agenda, except that no member of the public will be allowed to comment on contested cases,  
21 other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable  
22 time limits on any "public comment" period to maintain and ensure effective and efficient operations  
23 of the Board. The Board shall not take any action on any matter discussed, unless the matter is  
24 specifically noticed on the agenda, and the public has been allowed opportunity to comment.

25  
26  
27 Copies of the agenda for the current Board meeting, minutes of the previous Board  
28 meeting, and relevant supplementary information will be prepared and distributed to each trustee at  
29 least forty-eight (48) hours in advance of a Board meeting and will be available to  
30 any interested citizen at the Superintendent's office forty-eight (48) hours before a  
31 Board meeting. An agenda for other types of Board meetings will be prepared if circumstances  
32 require an agenda.

33  
34  
35 Consent Agenda

36  
37 To expedite business at its meetings, the Board approves the use of a consent agenda, which includes  
38 those items considered to be routine in nature. Any item that appears on the consent agenda may be  
39 removed by a member of the Board. Any Board member who wishes to remove an item from the  
40 consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items  
41 will be voted on by a single motion. The approved motion will be recorded in the minutes, including  
42 a listing of all items appearing on the consent agenda.

43  
44 Minutes

45  
46 Appropriate minutes of all meetings required to be open must be kept and must be available for  
47 inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as  
48 official, the

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3  
4 recording constitutes the office record of the meeting. If an official recording is made, a written  
5 record of the meeting must also be made and must also include:

- 6  
7 • Date, time, and place of the meeting;  
8 • Presiding officer;  
9 • Board members recorded as absent or present;  
10 • Summary of discussion on all matters discussed (including those matters discussed during the  
11 "public comment" section), proposed, deliberated, or decided, and a record of any votes  
12 taken;  
13 • Detailed statement of all expenditures;  
14 • Purpose of recessing to closed session; and  
15 • Time of adjournment.  
16

17 If the minutes are recorded and designated as the official record, a log or time stamp for each main  
18 agenda item is required for the purpose of providing assistance to the public in accessing that portion  
19 of the meeting.  
20

21 Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled  
22 meeting of the Board. Minutes need not be read publicly, provided that Board members have had an  
23 opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be  
24 maintained in the office of the Clerk, to be made available for inspection upon request. A written  
25 copy shall be made available within five (5) working days following approval by the Board.  
26

### 27 Quorum

28

29 No business shall be transacted at any meeting of the Board unless a quorum of its members is  
30 present. A majority of the full membership of the Board shall constitute a quorum, whether the  
31 individuals are present physically or electronically. A majority of the quorum may pass a resolution,  
32 except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.  
33

### 34 Electronic Participation

35

36 The Board may allow members to participate in meetings by telephone or other electronic means.  
37 Board members may not simply vote electronically but must be connected with the meeting  
38 throughout the discussion of business. If a Board member electronically joins the meeting after an  
39 item of business has been opened, the remotely located member shall not participate until the next  
40 item of business is opened.  
41

42 If the Board allows a member to participate electronically, the member will be considered present  
43 and will have his or her actual physical presence excused. The member shall be counted present for  
44 purposes of convening a quorum. The Clerk will document it in the minutes, when members  
45 participate in the meeting electronically.  
46

47 Any Board member wishing to participate in a meeting electronically will notify the Chairperson and  
48 Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in

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4 a location with the appropriate equipment so that Board members participating in the meeting  
5 electronically may interact, and the public may observe or hear the comments made. The  
6 Superintendent will take measures to verify the identity of any remotely located participants.

7  
8 Meeting Conduct and Order of Business  
9

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

14  
15 Rescind a Motion  
16

17 A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to  
18 rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior  
19 to accomplishment of the underlying action addressed by the motion.  
20

21 Cross Reference: 1441 Audience Participation  
22

23 Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines  
24 adopted  
25 § 2-3-202, MCA Meeting defined  
26 § 2-3-212, MCA Minutes of meetings - public inspection  
27 § 20-1-212, MCA Destruction of records by school officer  
28 § 20-3-322, MCA Meetings and quorum  
29 § 20-3-323, MCA District policy and record of acts  
30 *Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005*  
31

32 Policy History:

33 Adopted on: October 12, 2021  
34 Reviewed on: October 12, 2021  
35 Revised on: October 4, 2021

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

1420F

BOARD OF TRUSTEES

Revised on:

Notice Regarding Public Comment

***MTSBA recommends that you attach the following notice to your agendas for your regular Board meetings and/or have the Board Chairperson read it aloud at the beginning of the Board meeting, until the public becomes educated about the process:***

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any ***public matter not otherwise specifically listed on the agenda*** that is within the jurisdiction of the agency. As has also been the practice of the District, and in accordance with Montana law, if any member desires to speak to an item that is ***specifically listed/identified on the agenda***, you will be allowed to do so when the item comes up for discussion and action. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the “public comment” portion of the meeting, if you haven’t already done so, please sign your name to the sheet located on the front desk and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. The Board would like to remind everyone in attendance that to avoid violations of individual rights of privacy, a member of the public wishing to address the Board during this time will not be allowed to make comments about any student, staff member, or member of the general public during his/her designated time to speak. In addition the Board will not hear comments on contested cases or other adjudicative proceedings.

Depending on the number of persons who wish to address the Board, the Board Chairperson may place reasonable time limits on comments, in order to maintain and ensure effective and efficient operations of the Board.

By law the District cannot take any action on any matter discussed during the “public comment” portion of the meeting, until such time as the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.

Clinton Elementary

Adopted on: 05/14/02  
Reviewed on: 02/10/15

1425

BOARD OF TRUSTEES

Revised on:

Abstentions From Voting

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

1441 - R

BOARD OF TRUSTEES

Revised on:

Audience Participation

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

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

Cross Reference: 1420 School Board Meeting Procedure

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

1511

BOARD OF TRUSTEES

Revised on:

Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

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

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on:

1512

BOARD OF TRUSTEES

Revised on: 02/10/15

Page 1 of 3

Conflict of Interest

A trustee may not:

1. Engage in a substantial financial transaction for the trustee’s private business purpose, with a person whom the trustee inspects or supervises in the course of official duties.
2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
3. Act as an agent or solicitor in the sale or supply of goods or services to a district.
4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions that are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one (1) financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.
5. Be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana Officials Association.
6. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth (4<sup>th</sup>) degree or by affinity within the second (2<sup>nd</sup>) degree.
  - a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.
  - b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.
  - c. This prohibition does not apply if trustees comply with the following requirements: 1) All trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person; 2) the trustee related to

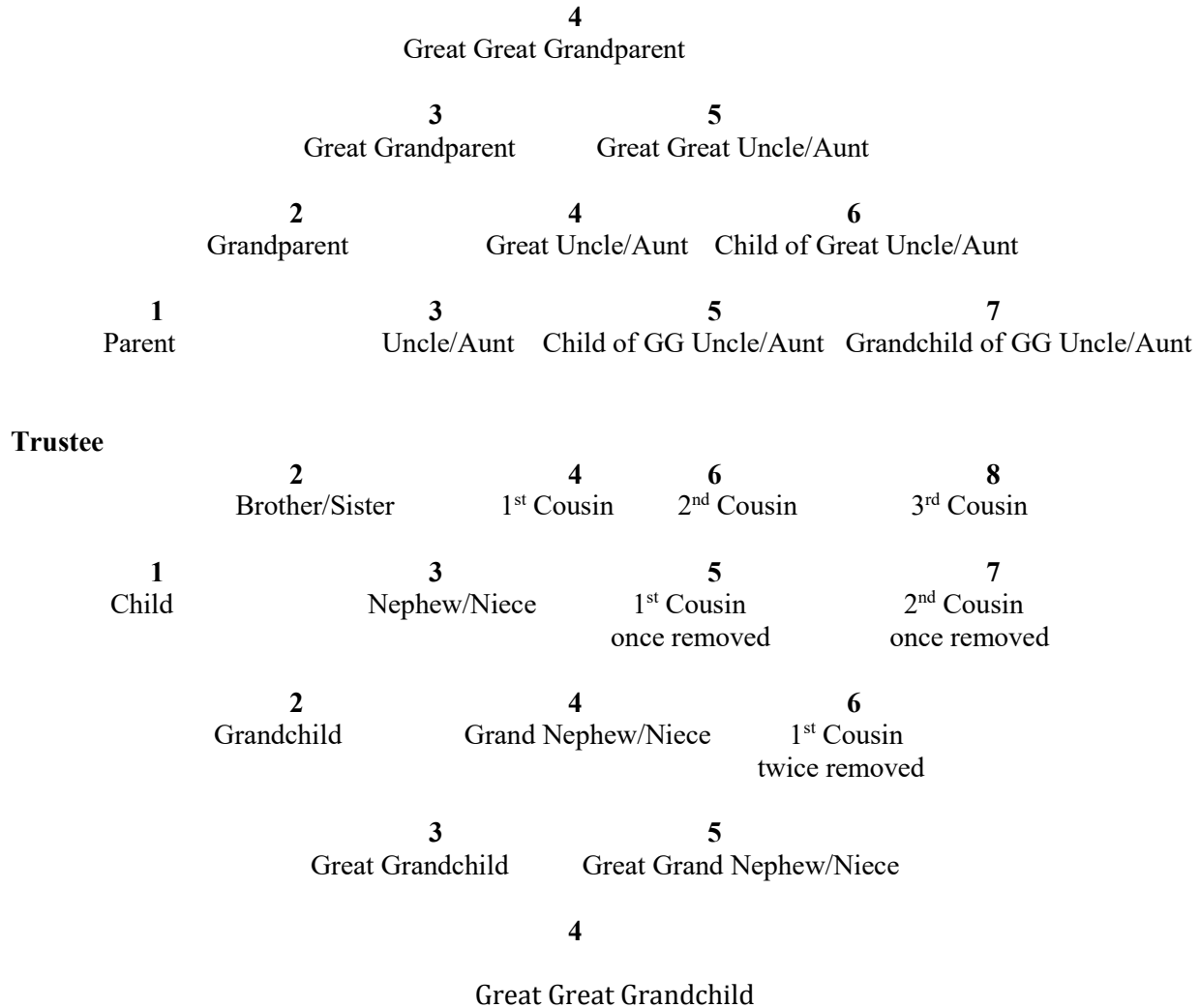


the person to be employed abstains from voting; and 3) the trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

Degrees of Affinity

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

Degrees of Consanguinity



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Degrees of Affinity

			<b>3</b>
			Great Grandparent-in-law
		<b>2</b>	
		Grandparent-in-law	
	<b>1</b>		<b>3</b>
	Father/Mother-in-law		Uncle/Aunt-in-law
<b>Trustee</b>	<b>1</b>	<b>2</b>	
	Spouse	Brother/Sister-in-law	
	<b>1</b>		<b>3</b>
	Step Child		Nephew/Niece-in-law
		<b>2</b>	
		Step Grandchild	
			<b>3</b>
			Step Great Grandchild

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

1513 - R

BOARD OF TRUSTEES

Revised on:

Management Rights

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

1. Direct employees;
2. Employ, dismiss, promote, transfer, assign, and retain employees;
3. Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and nonproductive;
4. Maintain the efficiency of District operations;
5. Determine the methods, means, job classifications, and personnel by which District operations are to be conducted;
6. Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;
7. Establish the methods and processes by which work is performed.

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

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

Cross Reference: 6110 Superintendent

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

1 **Clinton Public Schools**

2  
3 **THE BOARD OF TRUSTEES**

1520

4  
5 Board/Staff Communications

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

9  
10 Staff Communications to the Board

11 All official communications or reports to the Board, from supervisors, teachers, or other staff  
12 members, shall be submitted through the Superintendent in accordance with the District  
13 organizational chart adopted in accordance with Policy 6121. This procedure shall not deny any  
14 staff member the right to appeal to the Board from administrative decisions, provided that the  
15 Superintendent shall have been notified of the forthcoming appeal and that it is processed  
16 according to the applicable procedures for complaints and grievances.

17  
18 The provision does not limit or restrict employees from engaging in public comment during  
19 Board meetings as permitted by Montana law. Staff are authorized to raise concerns about  
20 potential violations of District policy and applicable laws with the Board of Trustees through the  
21 procedures and protections established by Policy 1700, Policy 5012, Policy 5015, and Policy  
22 5125.

23  
24 Board Communications to Staff

25 All official communications, policies, and directives of staff interest and concern will be  
26 communicated to staff members through the Superintendent in accordance with the District  
27 organizational chart adopted in accordance with Policy 6121. The Superintendent will employ  
28 all such media as are appropriate to keep staff fully informed of Board concerns and actions.

29  
30 Visits to Schools

31 In accordance with Montana statutes, trustees shall visit every school of the District at least once  
32 each school fiscal year to examine its condition and needs. These visits are conducted with the  
33 entire Board or committees of the Board. Individual Board members interested in visiting  
34 schools without other Trustees shall request a visitation through the Board and Superintendent.  
35 If the request for an individual visit is approved by the Board, the Superintendent shall  
36 coordinate the requested visit with the principal of school. Such visits shall be regarded as  
37 informal expressions of interest in school affairs and not as “inspections” or visits for  
38 supervisory, evaluative or administrative purposes.

39  
40 Social Interaction

41 Staff and Board members share a keen interest in schools and education. When they meet at  
42 social affairs and other functions, informal discussion about such matters as educational trends,  
43 issues, innovations and general District problems can be anticipated and are permitted. Official  
44 complaints, concerns, and communication shall be redirected and handled through the formal  
45 processes outlined in this policy.

1  
2 Cross Reference: 1700 Uniform Complaint Procedure  
3 5012 Sexual Harassment  
4 5015 Bullying, Intimidation, and Harassment  
5 5125 Whistleblowing  
6 6121 District Organization  
7  
8 Legal Reference: § 20-3-324(21), MCA Powers and duties  
9 § 2-3-103, MCA Public Participation  
10  
11 Policy History:  
12 Adopted on: 2/10/15  
13 Revised on: 3/12/24

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

1521 - R

BOARD OF TRUSTEES

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Revised on:

Board-Superintendent Relationship

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

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

Cross Reference: 6110 Superintendent

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

1531

BOARD OF TRUSTEES

Revised on:

Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

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

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

Cross Reference: 7336 Travel Allowances and Expenses

Legal Reference:	§2-18-503, MCA	Mileage - allowance
	§20-3-311, MCA	Trustee travel reimbursement and compensation of secretary for joint board

Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/18/11, 02/10/15

1532

BOARD OF TRUSTEES

Revised on:

Trustee Insurance

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

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

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



Clinton Elementary

Adopted on:  
Reviewed on:

1610 - R

BOARD OF TRUSTEES

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Revised on: 02/10/15

Annual Goals and Objectives

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

1635

BOARD OF TRUSTEES

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Internships

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

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

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

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

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

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

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

4  
5 Public Charter Schools

6  
7 The Board of Trustees may submit an application in response to a request for proposal from the  
8 Board of Public Education to establish a public charter school consistent with Montana law. Any  
9 application for a public charter school submitted under this provision shall be consistent with the  
10 mission and vision of the District as specified in the strategic plan for continuous improvement  
11 adopted by the Board of Trustees.

12  
13 Requests for Creation of School or Program

14  
15 The Board of Trustees shall review any request from an individual or entity unaffiliated with the  
16 District to create a school or program within the District to determine if the requested school or  
17 program is currently addressed by District operations or meets the mission and vision of the  
18 District as specified in the strategic plan for continuous improvement. The Board is authorized to  
19 refer the request to a committee established in accordance with Policy 1130 for hearing and  
20 consideration with a report to the full Board. Any meeting conducted for the purposes of  
21 considering a request to create a school or program shall be held in open session in accordance  
22 with Policy 1400.

23  
24 The Board is authorized to respond to a request to create a school or program within the District  
25 by stating the requested school or program is currently offered by the District or by granting or  
26 denying the request. If the requested school or program is currently offered by the District, the  
27 Board will outline how the school or program operates and how students may access the school  
28 or program. If the Board grants the request, it shall set a documented timeline for implementing  
29 the school or program consistent with District operations. If the Board of Trustees declines the  
30 request to create the school or program, it shall document for future reference the reasons the  
31 request is inconsistent with the mission and vision of the District as specified in the strategic plan  
32 for continuous improvement. Any request previously declined by the Board of Trustees may be  
33 reconsidered at a future meeting.

34  
35  
36 Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

37  
38 Legal Reference: Title 20, Chapter 6, MCA - Montana Public Charter Schools Act  
39 Chapter 510 Montana Public Charter Schools Act

40 Policy History:

41 Adopted on: 10/10/23

42 Reviewed on:

43 Revised on:

## **Clinton School District**

### **THE BOARD OF TRUSTEES**

1700  
page 1 of 3

#### Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those involving challenges to educational material, those governed by a specified procedure in state or federal law that supersedes this grievance process, and those governed by a collective bargaining agreement.

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

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

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

#### Level 1: Informal

An individual with a complaint should discuss it with the appropriate teacher, counselor, or building administrator, with the objective of resolving the matter promptly and informally. In the event that resolution is not achieved, the individual may file a written complaint within thirty (30) days of completion of the informal resolution process. 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 formal signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written complaint must be filed within thirty (30)

calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident or completion of the informal resolution process.

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

If either the complainant or the person against whom the complaint is filed is dissatisfied with the administrator's decision, either may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

When a complaint alleges sexual harassment as a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), or a violation of Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator will turn the complaint over to the Title IX Coordinator or a District nondiscrimination coordinator. The coordinator will follow the District's Title IX or Section 504 Grievance Process.

#### Level 3: Superintendent

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

If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

#### Level 4: The Board

Upon written appeal, the Board will consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will place the appeal on the agenda of a regular or special Board meeting. 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. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

## Level 5: County Superintendent

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

An individual may obtain a written copy of this policy by requesting one through the Superintendent. This procedure is available on the District's website.

Cross References: Title IX Grievance Procedure  
Section 504 Grievance Procedure  
Board Policy 2158

Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)  
Title II of the Americans with Disabilities Act of 1990  
§ 504 of the Rehabilitation Act of 1973  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education  
§ 20-3-323, MCA District policy and record of acts (*revised by House Bill 504*)

Policy History:  
Adopted on: 7/18/23  
Reviewed on:  
Revised on:

# CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

## 2000 SERIES INSTRUCTION

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2000 - R

INSTRUCTION

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Goals

The District shall strive to provide an equal opportunity for each and every student to receive an education that will enable them to fulfill his/her optimum role in society. The District will strive to develop and implement programs that provide students with those skills, knowledge, and attitudes that:

- Are fundamental to learning in all walks of life;
- Assist the student in relating to other people in an appropriate manner;
- Assist the student in solving problems and in thinking productively;
- Encourage the student to attain and maintain physical and mental fitness;
- Prepare the student for the world of work;
- Assist the student to adapt to rapid change and its impact on his/her life;
- Enable the student to make effective use of his/her free time in a self-satisfying manner;
- Assist the student to understand how beliefs and values guide one's actions.

The instructional programs, methods, and resources will strive to meet the needs of each child, regardless of race, color, creed, sex, or level of ability. The District recognizes that equal opportunity education does not imply uniformity, but that each student's unique characteristics shall be acknowledged.

Legal Reference: 10.55.701, ARM Board of Trustees



1 **Clinton School District**

2  
3 **INSTRUCTION**

2050

4  
5 Student Instruction

6  
7 The School District has adopted the protocols outlined in this policy to ensure the delivery of  
8 education services to students onsite at the school, offsite at other locations using available  
9 resources. The District administration or designated personnel are authorized to implement this  
10 policy.

11  
12 As outlined in District Policy 2100, and except for students determined by the School District to  
13 be proficient using School District assessments, the adopted calendar has a minimum number of  
14 360 hours for a half-time kindergarten program; 720 aggregate instructional hours for students in  
15 full-time kindergarten through third grade; 1,080 hours for students in fourth through eleventh  
16 grade and 1,050 hours for students in twelfth grade. Students enrolled on a part-time basis will  
17 have ANB calculated consistent with Policy 3121 and Policy 3150.

18  
19 The School District may satisfy the aggregate number of hours through any combination of  
20 onsite, offsite, and online instruction. The District administration is directed to ensure that all  
21 students are offered access to the complete range of educational programs and services for the  
22 education program required by the accreditation standards adopted by the Montana Board of  
23 Public Education.

24  
25 For the purposes of this policy and the School District’s calculation of ANB under Policy 3121  
26 and “aggregate hours of instruction” within the meaning of that term in Montana law, the term  
27 “instruction” shall be construed as being synonymous with and in support of the broader goals of  
28 “learning” and full development of educational potential as set forth in Article X, section 1 of the  
29 Montana Constitution. Instruction includes innovative teaching strategies that focus on student  
30 engagement for the purposes of developing a students’ interests, passions, and strengths. The  
31 term instruction shall include any directed, distributive, collaborative and/or experiential learning  
32 activity provided, supervised, guided, facilitated, work based, or coordinated by the teacher of  
33 record in a given course that is done purposely to achieve content proficiency and facilitate the  
34 learning of, acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full  
35 educational potential of each child.

36  
37 Staff shall calculate the number of hours students have received instruction as defined in this  
38 policy and Policy 3121 through a combined calculation of services received onsite at the school  
39 or services provided or accessed at offsite or online instructional settings including, but not  
40 limited to, any combination of physical instructional packets, virtual or electronic based course  
41 meetings and assignments, self-directed or parent-assisted learning opportunities, and other  
42 educational efforts undertaken by the staff and students that can be given for grade or credit.  
43 Staff shall report completed hours of instruction as defined in this policy to the supervising  
44 teacher, building principal, or district administrator for final calculation.

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

4

5. Remote Instruction Delivered by District Staff

6

7 The Board of Trustees authorizes remote instruction of students by District staff in a  
8 manner that satisfies the aggregate number of instructional hours outlined in the District's  
9 adopted or revised calendar for a school year. Remote instruction is pupil instruction that occurs  
10 through virtual learning processes incorporating distance and online learning methods that best  
11 prepare pupils to meet desired learning outcomes. Remote instruction shall include a complete  
12 range of educational services offered by the District and shall comply with the requirements of  
13 applicable statutes. Students completing course work through a remote instructional setting shall  
14 be treated in and have their hours of instruction calculated in the same manner as students  
15 attending an onsite institutional setting.

16

17 Remote instruction is available to students:

18

- 19 1. meeting the residency requirements for that district as provided in 1-1-215;
- 20 2. living in the district and eligible for educational services under the Individuals With  
21 Disabilities Education Act or under 29 U.S.C. 794; or
- 22 3. Seeking remote instruction in the nearest district when the pupil's district of residence  
23 does not provide remote or in-person instruction in an equivalent course. A course is  
24 not equivalent if the course does not provide the same level of advantage on successful  
25 completion, including but not limited to dual credit, advanced placement, and career  
26 certification. The District is not required to provide remote instruction to a nonresident  
27 student if, because of class size reductions, the accreditation of the school would be  
28 adversely impacted by providing remote instruction to the pupil.

29

30 Equivalency is defined by providing the same level of advantage on successful completion as  
31 provided in law. The superintendent or designee is authorized to collaborate with the student's  
32 district of residence of the question of equivalency, review course offerings and policies of the  
33 requesting student's district of residence to complete the comparison, and report to the Board of  
34 Trustees. In the event the student's district of residence asserts in writing its course offerings are  
35 equivalent to the District's, the Board of Trustees shall not enroll the student.

1 A school of a district providing remote instruction shall provide remote instruction to an out-of-  
2 district pupil under number 3 above unless, because of class size restrictions, the accreditation of  
3 the school would be adversely impacted by providing remote instruction to the pupil.

4  
5 The Board of Trustees authorizes the supervising teacher or district administrator to permit  
6 students to utilize remote instruction by delivered by District staff when circumstances require.  
7 Inquiries about correspondence courses shall be governed by Policy 2167, distance learning  
8 provided by non-District staff shall be governed by Policy 2168, and Montana Digital Academy  
9 shall be governed by Policy 2170.

#### 10 11 12 Offsite Instruction

13  
14 Offsite instructional setting is an instructional setting that is an extension of a school of the  
15 district, located apart from the school, but within the boundaries of the district, where a school  
16 district provides for in-person pupil instruction to a student who is enrolled in the district. The  
17 Board of Trustees authorizes the supervising teacher or district administrator to utilize an offsite  
18 instructional setting at when circumstances require consistent with Board of Public Education  
19 standards. Inquiries about correspondence courses shall be governed by Policy 2167, distance  
20 learning provided by non-District staff shall be governed by Policy 2168, and Montana Digital  
21 Academy shall be governed by Policy 2170.

#### 22 23 Proficiency-Based Learning

24  
25 The Board of Trustees authorizes proficiency-based learning and ANB calculation in situations  
26 when a student demonstrates proficiency in a course area as determined by the Board of Trustees  
27 using District assessments consistent with District Policy 1005FE, or other measures approved  
28 by the Board of Trustees.

29  
30 The Board of Trustees waives the minimum number of instructional hours for students who  
31 demonstrate proficiency in a course area using district assessments that include, but are not  
32 limited to, the course or class teacher's determination of proficiency as defined by the Board of  
33 Trustees. This determination shall be based on a review of the student's completed coursework,  
34 participation in course delivery, and other methods applicable to the specific course or class. The  
35 Board of Trustees authorizes the use of the proficiency determination process for students who  
36 have selected this method of delivery, students for whom the School District is unable to  
37 document satisfaction of the required minimum aggregate number of hours through the offsite or  
38 onsite methods outlined in this policy, or other students whom School District personnel  
39 determine satisfy the definition of proficient or meeting proficiency.

40  
41 This provision is based in the declaration by the Montana Legislature that any regulation  
42 discriminating against a student who has participated in proficiency-based learning is  
43 inconsistent with the Montana Constitution.

44  
45  
46 Legal Reference: Article X, Section 1, Montana Constitution

1 Section 20-1-101, MCA – Definitions  
2 Section 20-1-301, MCA – School Fiscal Year  
3 Section 20-9-311, MCA – Calculation of Average Number Belonging  
4 Section 20-7-118, MCA - Offsite Provision of Educational Services  
5 Section 20-7-1601, MCA – Transformational Learning –Legislative Intent  
6 ARM 10.55.906(4)) – High School Credit  
7  
8 Cross Reference: Policy 1005FE – Proficiency-Based Learning  
9 Policy 2100 – School Calendar  
10 Policy 2140 – Guidance and Counseling  
11 Policy 2168 – Distance Learning  
12 Policy 2410 – Graduation  
13 Policy 2420 – Grading and Progress Reports  
14 Chapter 580 (2023) - Remote Instruction  
15 Chapter 307 (2023) – Transformational Learning  
16  
17 Policy History:  
18 Adopted on: 5/9/23  
19 Reviewed on:  
20 Revised on: 2/20/24

Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/118/11  
Revised on: 02/10/15

2100 - R

INSTRUCTION

School Year Calendar and Day

School Calendar

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

Commemorative Holidays

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

Saturday School

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

School Fiscal Year

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

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

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

- 1. Pre-school staff orientation for the purpose of organization of the school year;
- 2. Staff professional development programs (minimum of three (3) days);

- 3.
- 4. Parent/teacher conferences; and
- 4. Post-school record and report (not to exceed one (1) day, or one-half (½) day at the end of each semester or quarter).

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

Legal References:	§ 20-1-301, MCA	School fiscal year
	§ 20-1-302, MCA	School day and week
	§ 20-1-303, MCA	Conduct of School on Saturday or Sunday prohibited - exceptions
	§ 20-1-304, MCA	Pupil-instruction-related day
	§ 20-1-306, MCA	Commemorative exercises on certain days
	ARM 10.55.701	Board of Trustees
	ARM 10.65.101-103	Pupil-Instruction-Related Days
	ARM 10.55.714	Professional Development

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2105 - R

INSTRUCTION

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Grade Organization

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

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on:

2110

INSTRUCTION

Revised on: 02/10/15

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Objectives

Continuous Progress Education

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

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

1. Placement of a student at the student's functional level;
2. Learning materials and methods of instruction considered to be most appropriate to the student's learning style; and
3. Evaluation to determine if the desired student outcomes have been achieved.

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



STUDENT INSTRUCTION

Curriculum Development, Content, and Assessment

The Superintendent shall recommend a comprehensive curriculum that is designed to accomplish the learning objectives and goals for excellence contained in the District's educational philosophy, mission statement, objectives and goals. The Board must approve all changes to the curriculum, including the adoption of new textbooks and new courses.

A written sequential curriculum shall be developed that aligns each program area with the appropriate content standards, grade-level or grade-band learning progressions and the District's educational goals. A curriculum review cycle and timelines for curriculum development and evaluations shall be established by the Superintendent.

In all program areas and at all levels, the District shall assess student progress toward achieving content standards and content-specific grade-level learning progressions including:

- Content and data;
- Accomplishment of appropriate skills;
- Development of critical thinking and reasoning; and
- Attitude.

The District will use assessment results to improve the educational program and use effective and appropriate tools for assessing such progress. This may include, but is not limited to:

- Standardized tests;
- Criterion-referenced tests;
- Teacher-made tests;
- Ongoing classroom evaluation;
- Actual communication assessments such as writing, speaking and listening assessments;
- Samples of student work and/or narrative reports passed from grade to grade;
- Samples of students' creative and/or performance work; and
- Surveys of carry-over skills to other program areas and outside of school.

The District may receive and/or provide distance, remote, or offsite learning programs, as provided in Montana law. These learning programs and/or courses shall meet the learner expectations adopted in the District and shall be aligned with state content standards and content-specific grade-level or grade-band learning progressions. The Superintendent/designee is directed to develop procedures regarding the District's distance, remote, or offsite delivered learning.

The District will provide gifted and talented coursework. The District will provide structured support and assistance to teachers in identifying and meeting the diverse student needs of gifted and talented students and a framework for considering a full range of alternatives for addressing student needs.

The building principal shall be responsible for the supervision and implementation of the adopted curriculum. The teaching staff has a significant responsibility in the development of curricula and the primary responsibility for the implementation of curricula.

Legal References:	§ 20-1-101, MCA	Definitions ( <i>revised by House Bill 214</i> )
	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	§ 20-7-118, MCA	Remote Instruction ( <i>revised by House Bill 214</i> )
	§ 20-7-602, MCA	Textbook selection and adoption
	10.55.603, ARM	Curriculum and Assessment
	§ 20-7-902, MCA	School district programs to identify and serve the gifted and talented child

Cross References:	2000	Goals
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Policy History:

Adopted on: 2/10/15

Revised on: 9/12/23

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2130

INSTRUCTION

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Program Evaluation and Diagnostic Tests

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

1. A clear statement of expectations and purposes for the District instructional program;
2. A provision for staff, resources, and support to achieve stated expectations and purposes;  
and
3. A plan for evaluating instructional programs and services to determine how well expectations and purposes are being met.

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

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

Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a governmental entity in accordance with the common law, state and federal law, and Board policies.

***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 parents may inspect the survey upon request and within a reasonable time of their request. This section applies to every survey that is created by a person or entity other than a District official, staff member, or student, regardless of whether the student answering the questions can be identified, and regardless of the subject matter of the questions.

***Surveys Requesting Personal Information***

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

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

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

No student shall be required to submit to any survey requesting personal information without consent of the parent. Parents will be given notice and an opportunity to opt their child out of participation of any survey requesting personal information that is not required by the District.

### ***Instructional Material***

A student's parent may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum. The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

### ***Collection of Personal Information from Students for Marketing Prohibited***

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

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

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

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

### ***Notification of Rights and Procedures***

The Superintendent or designee shall notify students' parents/guardians of this policy as well as its availability from the administration office upon request; how to opt their child out of



## Clinton School District

### INSTRUCTION

2140

#### Guidance and Counseling

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

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

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

- Provide staff with meaningful information that can be utilized to improve the educational services offered to individual students;
- Provide students opportunities to develop future career and educational plans;
- Refer students with special needs to appropriate specialists and agencies;
- Aid students in identifying options and making choices about their educational program;
- Assist teachers and administrators in meeting academic, social and emotional needs of students;
- Provide for a follow-up of students who continue their education and move into the world of work; and
- Solicit feedback from students, staff and parents for purposes of program improvement.

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

The District may utilize a career coach for educational and career counseling. A career coach may offer opportunities for internships or apprenticeships within the community and assist students with high school course offerings, career options, occupational training, and postsecondary opportunities associated with the student’s field of interest.

Legal Reference	§ 49-3-203, MCA	Educational, counseling, and training programs
	10.55.710, ARM	Assignment of School Counseling Staff
	10.55.802, ARM	Opportunity and Educational Equity
	House Bill 458	Career Coaches

#### Policy History:

Adopted on: 10/12/21

Reviewed on:

Revised on: 2/20/24

**Clinton School District**  
**SCHOOL ACTIVITIES INFORMED CONSENT AND**  
**INSURANCE VERIFICATION FORM**

I \_\_\_\_\_ approve of my child \_\_\_\_\_ participating in \_\_\_\_\_ as an extracurricular activity or curricular club at Clinton School.

Extracurricular activities may include transportation, educational functions, or other physical activity. There is an inherent risk of injury in the activity. By signing this agreement, I acknowledge that the School District staff try to prevent accidents. I agree to accept responsibility for my student’s participation in the school activities. The activity is strictly voluntary. My signature below gives my child permission to participate in \_\_\_\_\_ School Activity.

I, the undersigned, hereby acknowledge and understand that, regardless of all feasible safety measures that may be taken by the School District, participation in this event entails certain inherent risks. I certify that my student is physically fit and medically able to participate or have noted an applicable physical or medical diagnosis at the bottom of this form. I further certify that my student will honor all instructions of district staff and failure to honor instructions may result on dismissal from the activity. I have been informed of these risks, understand them, and feel that the benefits of participation outweigh the risks involved. 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 authorize qualified emergency medical professionals to examine and in the event of injury or serious illness, administer emergency care to my student. I understand every effort will be made to contact the family or contact person noted below to explain the nature of the problem prior to any involved treatment. In the event it becomes necessary for the district staff in charge to obtain emergency care for my student, I understand that neither the district employee in charge of the activity nor the school district assumes financial liability for expenses incurred because of an accident, injury, illness and/or unforeseen circumstances.

The School District DOES NOT provide medical insurance benefits for students who choose to participate in activities programs. Parents or guardians may request information from the school district regarding medical insurance for students. If parents or guardians have their own insurance coverage during the student’s participation, that coverage information is provided below. Or parents may notify the School District that they do not have medical insurance.

\_\_\_\_\_ I have personal medical insurance to cover the student’s participation:

INSURANCE (Company Name) \_\_\_\_\_

Policy # \_\_\_\_\_

\_\_\_\_\_ I do not have personal medical insurance to cover the student’s participation and understand that the School District does not provide medical insurance to cover the students. I understand I will be responsible for any medical costs associated with the student’s participation.

Signature Required Regardless of Insurance Coverage:

Student Athlete \_\_\_\_\_  
(Please Print)

Parent/Guardian \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



Parent/Family Engagement Policy

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

*Parent/Family Involvement Goals and Plan*

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

1. Encourage families to actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
2. Encourage families and school staff to engage in regular, two-way meaningful communication about student learning;
3. Encourage families and school staff to continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
4. Empower parents to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;
5. Encourage families and school staff to be partners in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; ~~and~~
6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation; and
7. Encourage families and school staff collaborate with members of the community to connect students, families, and staff to post-secondary education opportunities, including workforce training, apprenticeship opportunities, career pathways, and degree programs, and encourage students to explore college and career planning tools (including Free Application for Federal Student Aid completion) and incentives provided by post-secondary institutions.

The Board of Trustees, in consultation with parents, teachers, administrators, and students has adopted this District's plan for meeting these parent/family involvement goals is to:

1. Provide activities that will educate parents/families regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the District and other agencies or school/community groups (such as parent-teacher groups, Head Start, etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.
2. Implement strategies to involve parents/families in the educational process and laws regarding parent/family rights, including:
  - Keeping parents/families informed of opportunities for involvement and encouraging participation in various District programs.
  - Providing access to Board policies, handbooks, Board and committee agendas, District grievance procedure, and contact information for administrators and Trustees on the District website.
  - Providing access to educational resources and the course of study for parents/families to use together with their children.
  - Keeping parents/families informed of the objectives of District educational and activity programs, ~~as well as of~~ their child's participation and progress within these programs, and methods to opt out of educational and instruction programs consistent with parent/family rights.
  - Promoting parents/families and teacher cooperation in homework, attendance, and discipline.
  - Providing information about the nature and purpose of student clubs and groups meeting at the school and right of parents to consent to such participation or withdraw their child from a club or group.
  - Providing an explanation of rights regarding student name and pronoun use consistent with the Family Education Rights and Privacy Act.
3. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into District policies and volunteer time within the classrooms and school programs.
4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent/family involvement strategies.
5. Perform regular evaluations of parent/family involvement at each school and at the District level.
6. Provide access, upon request, to any instructional material used as part of the educational curriculum.
7. If practical, provide information in a language understandable to parents.
8. Provide annual notification of educational opportunities of the District.

Cross References:	Board Policy 1700	Uniform Complaint Procedure
	Board Policy 2120	Curriculum Development and Assessment
	Board Policy 2132	Student and Family Privacy Rights
	Board Policy 2140	Guidance and Counseling
	Board Policy 2161	Special Education

Board Policy 2162	Section 504 of the Rehabilitation Act of 1973 (“Section 504”)
Board Policy 2168	Distance, Online, and Technology-Delivered Learning
Board Policy 2170	Montana Digital Academy
Board Policy 2422	Proficiency
Board Policy 2423	Personalized Learning Opportunities
Board Policy 3110	Entrance, Placement, and Transfer
Board Policy 3120	Compulsory Attendance
Board Policy 3141	Discretionary Nonresident Student Attendance Policy
Board Policy 3150	Part-Time Attendance
Board Policy 3600	Student Records
Board Policy 4700	Family Engagement

Legal Reference:	20 U.S.C. § 1401 <i>et seq.</i>	Individuals with Disabilities Education Act
	29 U.S.C. § 794	Section 504 of the Rehabilitation Act
	§ 20-3-324, MCA	Powers and Duties
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-112, MCA	Participation in extracurricular activities
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 20-7-118, MCA	Offsite Provision Of Educational Services
	§ 20-7-411, MCA	Obligation to Establish Special Education Program
	§ 20-7-1601, MCA	Forms of personalized learning
	§ 20-7-1506, MCA	Incentives for creation of advanced opportunity programs
	§ 20-7-1510, MCA	Credit for participating in work-based learning partnerships
	§ 20-9-706, MCA	Running start program
	§ 20-7-1201, MCA <i>et seq.</i>	Montana Digital Academy
	§ 20-5-301, MCA <i>et seq.</i>	Attendance Outside School District
	§ 20-7-301, MCA <i>et seq.</i>	Vocational and Technical Education
	§ 20-3-301, MCA <i>et seq.</i>	Board of Trustees
	§ 40-6-701, MCA	Fundamental Rights of Parents
	10.55.601, ARM <i>et seq.</i>	Accreditation
	House Bill 676	Increase parental involvement in education
	10.55.722, ARM	Family and Community Engagement

Policy History:  
 Adopted on: 2/10/15  
 Reviewed on:  
 Revised on: 8/15/23

Clinton Elementary

Adopted on:  
Reviewed on:

2160 - R

INSTRUCTION

Revised on: 08/09/05, 02/10/15

Page 1 of 2

Title I Parent Involvement

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

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

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

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

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

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

The parents of children (including parents of migrant children if applicable) identified to participate in Title I programs shall receive from the school principal and Title I staff an

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4 explanation of the reasons supporting each child’s selection for the program, a set of objectives  
5 to be addressed, and a description of the services to be provided. Opportunities will be provided  
6 for the parents to meet with the classroom and Title I teachers to discuss their child’s progress.  
7 Parents will also receive guidance as to how they can assist at home in the education of their  
8 children.  
9

10 Each school in the District receiving Title I funds shall develop jointly with parents of children  
11 served in the program a “School-Parent Compact” outlining the manner in which parents, school  
12 staff, and students share the responsibility for improved student academic achievement in  
13 meeting state standards. The “School-Parent Compact” shall:  
14

- 15 1. Describe the school’s responsibility to provide high quality curriculum and instruction in  
16 a supportive and effective learning environment enabling children in the Title I program  
17 to meet the state’s academic achievement standards;  
18
- 19 2. Indicate the ways in which each parent will be responsible for supporting their child’s  
20 learning, such as monitoring attendance, homework completion, and television watching;  
21 volunteering in the classroom; and participating, as appropriate, in decisions related to  
22 their child’s education and positive use of extracurricular time; and  
23
- 24 3. Address the importance of parent-teacher communication on an ongoing basis with, at a  
25 minimum, parent-teacher conferences, frequent reports to parents, and reasonable access  
26 to staff.  
27  
28

29 Legal Reference: Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C.  
30 §§ 6301-6514, as implemented by 34 CFR parts 200, 201, 203, 205, and  
31 212  
32 Improving America’s Schools Act, P.L. 103-382, § 1112 Local Education  
33 Agency Plans  
34 P.L. 107-110, “No Child Left Behind Act of 2001,” Title I – Improving  
35 the Academic Achievement of the Disadvantaged, § 1118  
36  
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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on: 08/09/05

2160P - R

INSTRUCTION

Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

**Parents**

It is the responsibility of the parent to:

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

**Staff**

It is the responsibility of staff to:

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

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**Community**

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

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

**Administration**

It is the responsibility of the administration to:

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

Clinton Elementary

Adopted on:  
Reviewed on:

2161 - R

INSTRUCTION

Revised on: 02/10/15

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Special Education

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

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

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

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



Clinton Elementary

Adopted on: 1/13/09  
Reviewed on: 12/09/08  
Revised on: 02/10/15

2161P - R

INSTRUCTION

Page 1 of 6

Special Education

Child Find

The District shall be responsible for the coordination and management of locating, identifying, and evaluating all disabled children ages zero (-0-) through **sixteen (16)**. Appropriate staff will design the District’s Child Find plan in compliance with all state and federal requirements and with assistance from special education personnel who are delegated responsibility for implementing the plan.

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:
  - A. Infants and Toddlers (Birth through Age 2)  
Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
  - B. Preschool (Ages 3 through 5)  
Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
  - C. In-School (Ages 6 through 16)  
Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.

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4 D. Private Schools (This includes home schools.)  
5 Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-  
6 up procedures for referral and evaluation.  
7 E. Homeless Children  
8

9 Procedures for Evaluation and Determination of Eligibility

10  
11 Procedures for evaluation and determination of eligibility for special education and related  
12 services are conducted in accordance with the procedures and requirements of 34 C.F.R.  
13 300.301-300.311 and the following state administrative rules:

- 14  
15 10.16.3320 - Referral;  
16 10.60.103 - Identification of Children with Disabilities;  
17 10.16.3321 - Comprehensive Educational Evaluation Process;  
18

19 Procedural Safeguards and Parental Notification

20  
21 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -  
22 300.530.

23  
24 A copy of the procedural safeguards available to the parents of a child with a disability must be  
25 given to the parents only one (1) time a school year, except that a copy also must be given to the  
26 parents:

- 27  
28 • Upon initial referral or parent request for evaluation;  
29 • Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and  
30 upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;  
31 • In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on  
32 which the decision is made to make a removal that constitutes a change of placement of a  
33 child with a disability because of a violation of a code of student conduct, the LEA  
34 must...provide the parents the procedural safeguards notice); and  
35 • Upon request by a parent.  
36

37 A public agency also may place a current copy of the procedural safeguard notice on its internet  
38 website, if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]  
39

40 The referral for special education consideration may be initiated from any source, including  
41 school personnel. To initiate the process, an official referral form must be completed and signed  
42 by the person making the referral. The District shall accommodate a parent who cannot speak  
43 English and therefore cannot complete the District referral form. Recognizing that the referral  
44 form is a legal document, District personnel with knowledge of the referral shall bring the  
45 referral promptly to the attention of the Evaluation Team.  
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4 The District shall give written notice to the parent of its recommendation to evaluate or not to  
5 evaluate the student. The parent will be fully informed concerning the reasons for which the  
6 consent to evaluate is sought. Written parental consent will be obtained before conducting the  
7 initial evaluation or before reevaluating the student.  
8

9 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the  
10 parents in their native language or another mode of communication appropriate to the parent. An  
11 explanation of all the procedural safeguards shall be made available to the parents when their  
12 consent for evaluation is sought. These safeguards will include a statement of the parents' rights  
13 relative to granting the consent.  
14

#### 15 Evaluation of Eligibility

16  
17 Evaluation of eligibility for special education services will be consistent with the requirements of  
18 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of  
19 Eligibility; and shall also comply with A.R.M. 10.16.3321.  
20

#### 21 Individualized Education Programs

22  
23 The District develops, implements, reviews, and revises individualized education programs (IEP)  
24 in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.  
25

#### 26 Least Restrictive Environment

27  
28 To the maximum extent appropriate, children with disabilities, including children in public or  
29 private institutions or other care facilities, are educated with children who are nondisabled, and  
30 special classes, separate schooling, or other removal of children with disabilities from the regular  
31 class occurs only if the nature or severity of the disability is such that education in regular  
32 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.  
33 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the  
34 requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is  
35 available as required in 34 C.F.R. 300.551.  
36

#### 37 Children in Private Schools/Out-of District Placement

38  
39 Children with a disability placed in or referred to a private school or facility by the District, or  
40 other appropriate agency, shall receive special education and related services in accordance with  
41 the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.  
42

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

6  
7 Impartial Due Process Hearing  
8

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

11  
12 Special Education Records and Confidentiality of Personally Identifiable Information  
13

14 A. Confidentiality of Information  
15

16 The District follows the provisions under the Family Educational Rights and Privacy Act and  
17 implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M.  
18 10.16.3560.

19  
20 B. Access Rights  
21

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

29  
30 C. List of Types and Locations of Information.  
31

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

39  
40 D. Safeguards  
41

42 The District will identify in writing the employees who have access to personally identifiable  
43 information, and provide training on an annual basis to those staff members.  
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4 E. Destruction of Information  
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6 The District will inform parents five (5) years after the termination of special education services  
7 that personally identifiable information is no longer needed for program purposes. Medicaid  
8 reimbursement records must be retained for a period of at least six years and three months from  
9 the date on which the service was rendered or until any dispute or litigation concerning the  
10 services is resolved, whichever is later. The parent will be advised that such information may be  
11 important to establish eligibility for certain adult benefits. At the parent's request, the record  
12 information shall either be destroyed or made available to the parent or to the student if eighteen  
13 (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty  
14 (60) days prior to taking any action on destruction of records. Unless consent has been received  
15 from the parent to destroy the record, confidential information will be retained for five (5) years  
16 beyond legal school age.  
17

18 F. Children's Rights  
19

20 Privacy rights shall be transferred from the parent to an adult student at the time the student  
21 attains eighteen (18) years of age, unless some form of legal guardianship has been designated  
22 due to the severity of the disabling condition.  
23

24 Discipline  
25

26 Students with disabilities may be suspended from school the same as students without disabilities  
27 for the same infractions or violations for up to ten (10) consecutive school days. Students with  
28 disabilities may be suspended for additional periods of not longer than ten (10) consecutive  
29 school days for separate, unrelated incidents, so long as such removals do not constitute a change  
30 in the student's educational placement. However, for any additional days of removal over and  
31 above ten (10) school days in the same school year, the District will provide educational services  
32 to a disabled student, which will be determined in consultation with at least one (1) of the child's  
33 teachers, determining the location in which services will be provided. The District will  
34 implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.  
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Legal Reference: 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)

§ 20-1-213, MCA	Transfer of school records
10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
10.16.3129 ARM	Parental Involvement
10.16.3220 ARM	Program Narrative
10.16.3321 ARM	Comprehensive Educational Evaluation Process
10.16.3322 ARM	Composition of a Child Study Team
10.16.3340 ARM	Individualized Education Program and Placement Decisions
10.16.3342 ARM	Transfer Students: Intrastate and Interstate
10.16.3560 ARM	Special Education Records
10.60.103 ARM	Identification of Children with Disabilities
37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2162 - R

INSTRUCTION

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Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

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

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2162 - R

INSTRUCTION

Page 1 of 2

Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

- (1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District’s evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.
- A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;
  - B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child’s education and the District’s identification, evaluation, and/or placement decision;
  - C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;
  - D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;
  - E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent, or any other person who would conduct the hearing in an impartial and fair manner;
  - F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;



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4 G. Within five (5) days of the District's selection of a hearing officer, a prehearing  
5 conference shall be scheduled to set a date and time for a hearing, identify the  
6 issues to be heard, and stipulate to undisputed facts to narrow the contested  
7 factual issues;  
8  
9 H. The hearing officer shall, in writing, notify all parties of the date, time, and  
10 location of the due process hearing;  
11  
12 I. Anytime prior to the hearing, the parties may mutually agree to submit the matter  
13 to mediation. A mediator may be selected from the Office of Public Instruction's  
14 list of trained mediators;  
15  
16 J. At the hearing, the District and the parent or legal guardian may be represented by  
17 counsel;  
18  
19 K. The hearing shall be conducted in an informal but orderly manner. Either party  
20 may request that the hearing be recorded. Should either party request that the  
21 hearing be recorded, it shall be recorded using either appropriate equipment or a  
22 court reporter. The District shall be allowed to present its case first. Thereafter  
23 the parent or legal guardian shall be allowed to present its case. Witnesses may  
24 be called to testify, and documentary evidence may be admitted; however,  
25 witnesses will not be subject to cross-examination, and the Montana Rules of  
26 Evidence will not apply. The hearing officer shall make all decisions relating to  
27 the relevancy of all evidence intended to be presented by the parties. Once all  
28 evidence has been received, the hearing officer shall close the hearing. The  
29 hearing officer may request that both parties submit proposed findings of fact,  
30 conclusions, and decision;  
31  
32 L. Within twenty (20) days of the hearing, the hearing examiner should issue a  
33 written report of his/her decision to the parties;  
34  
35 M. Appeals may be taken as provided by law. The parent or legal guardian may  
36 contact the Office of Civil Rights, 912 2<sup>nd</sup> Avenue, Seattle, WA 98714-1099;  
37 (206) 220-7900.  
38  
39 (2) Uniform Complaint Procedure. If a parent or legal guardian of the student alleges that  
40 the District and/or any employee of the District has engaged in discrimination or  
41 harassment of the student, the parent or legal guardian will be required to proceed  
42 through the District's Uniform Complaint Procedure.  
43

44 Legal Reference: 34 C.F.R. 104.36 Procedural safeguards  
45  
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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2166

INSTRUCTION

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Gifted Program

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 potentials.

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

1. Expansion of academic attainments and intellectual skills;
2. Stimulation of intellectual curiosity, independence, and responsibility;
3. Development of positive attitudes toward self and others; and
4. Development of originality and creativity.

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

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

1 **Clinton School District**

2  
3 **INSTRUCTION**

4  
5 Correspondence Courses

6  
7 The District will permit a student to enroll in an approved correspondence course from a school  
8 accredited by a nationally recognized accreditation program or agency as verified by the  
9 Superintendent in order that such student may include a greater variety of learning  
10 experiences within the student’s educational program not covered by Policy 2168 and 2170

11  
12 Credit for correspondence courses may be granted, provided the following requirements are met:

- 13
- 14 1. Prior permission has been grants by the Superintendent or designee and documented in
- 15 a correspondence course plan that includes the details of enrollment and completion of
- 16 the course;
- 17
- 18 2. The program fits the education plan submitted by the regularly enrolled student:
- 19
- 20 3. Credit is granted for the following approved schools:
- 21 a. Schools verified by the Superintendent to be accredited by a recognized
- 22 accrediting agency;
- 23 b. Community colleges, vocational-technical institutes, four-(4)-year colleges and
- 24 universities and state-approved private schools in the state of Montana; and
- 25 c. Other Schools or institutions which are approved by the District after evaluation
- 26 for a particular course offering.
- 27

28 The District shall not be obligated to pay for a student’s correspondence courses unless otherwise  
29 specified in Policy 2170. Any courses the District does not pay for will not be included in the  
30 ANB calculation in accordance with Policy 3121.

31  
32 Cross Reference: 2410 and 2410P High School Graduation Requirements  
33 3121 Enrollment and Attendance

- 34
- 35 c. Other schools or institutions which are approved by the District after evaluation
- 36 for a particular course offering.
- 37

38 The District shall not be obligated to pay for a student’s correspondence courses unless otherwise  
39 specified in Policy 2170. Any courses the District does not pay for will not be included in the  
40 ANB calculation in accordance with Policy 3121.

1 Legal Reference: § 20-7-116, MCA Supervised correspondence study  
2 ARM 10.55.906 High School Credit  
3 § 20-9-311, MCA Calculation of average number belonging (ANB)  
4 Chapter 580 (2023) - Remote Instruction  
5 Chapter 307 (2023) – Transformational Learning  
6

7  
8 Policy History:  
9 Adopted on: 12/12/23  
10 Reviewed on:  
11 Revised on:

2  
3 **INSTRUCTION**

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7 Remote Instruction from Non-District Source

8  
9 The district may authorize student use of remote instruction from non-District sources programs,  
10 Provided the following requirements are met.

- 11
- 12 1. The remote instruction programs and/or courses shall meet the learner expectations
- 13 adopted by the District and be aligned with state content and performance standards;
- 14
- 15 2. The District may authorize student use of remote instruction from non- District sources
- 16 provided the following requirements are met:
- 17

18  
19  
20 The District programs,

- 21
- 22
- 23 1. The remote instruction programs and/or courses shall meet the learner expectations
- 24 adopted by the District and be aligned with state content and performance standards;
- 25
- 26 2. The District shall provide a report to the Superintendent of Public Instruction,
- 27 documenting how it is meeting the needs of students under the accreditation standards,
- 28 who are taking a majority of courses during each grading period via remote instruction
- 29 programs;
- 30
- 31
- 32 3. The District will provide qualified instructors and/or facilitators as described in state law
- 33 and regulations;
- 34
- 35 4. The District will ensure that the remote instruction –learning facilitators receive in-service
- 36 -training on technology-delivered instruction as described in state law and regulations
- 37
- 38
- 39 5. The District will comply with all other standards as described in applicable state laws and
- 40 regulations and District Policies.
- 41

42 The District will permit a student to enroll in an approved remote instruction course under  
43 this policy, in order that such student may include a greater variety of learning  
44 experiences within the student’s educational program.

1 Credit for remote instruction courses under this policy may be granted,  
2 provided the following requirements are met:

- 3
- 4 1. Prior permission has been granted by the ~~principal~~ Superintendent or designee and  
5 documented in a personalized learning plan that includes the details of enrollment and  
6 completion of the course;  
7
  - 11 2. Remote instruction courses may be allowed to supplant required coursework in grades 6-  
12 12 if approved by the Superintendent or designee.  
14
  - 15 3. The Superintendent or designee has verified the course is delivered from school or  
16 institution to be accredited by a nationally recognized accreditation program or agency.  
22

23 The District will not be obligated to pay for a student’s remote instruction courses under  
24 this policy unless required for graduation or otherwise specified in Policy 2170.  
25 Any courses the District does not pay for will not be included in the ANB calculation in  
26 accordance with Policy 3121.  
30

31 Cross Reference: 2050 Innovative Student Instruction  
32 2170 Montana Digital Academy  
33 2410 and 2410P High School Graduation Requirements  
34 2100 School Calendar and Year  
35 3121 Enrollment and Attendance  
37

38 Legal Reference: § 20-9-311(4)(d), MCA Calculation of Average Number Belonging  
39 ARM 10.55.705 Administrative Personnel; Assignment of School  
40 Administrators/Principals  
41 ARM 10.55.906 High School Credit  
42 Chapter 580 (2023) - Remote Instruction  
43 Chapter 307 (2023) – Transformational Learning

Policy History:

Adopted on: 10/4/21

Reviewed on:

Revised on: 3/12/24

**Clinton School District**

**INSTRUCTION**

2170  
page 1 of 1

Montana Digital Academy

The District recognizes that students enrolled on a full-time or part-time basis may require greater flexibility in their educational programs, including but not limited to lack of teacher or course availability, individual learning styles, accelerate learning, and earning college credit. The Montana Digital Academy offers instruction through remote instruction that may fulfill these needs. The Montana Digital Academy enhances Montana’s system of education and supports the development of the full educational potential of each person consistent with the provisions of Article X, Section 1(1) of Montana’s Constitution.

The Superintendent or designee shall determine eligibility for enrolling in courses offered by the Montana Digital Academy and may adopt procedures regarding participation in Montana Digital Academy courses. The District will pay any fees required by the Montana Digital Academy for students enrolling in courses required for graduation. The District may charge students a reasonable fee for enrolling in a Montana Digital Academy course not required for graduation. The Board of Trustees authorizes the Superintendent to waive such fees in the case of financial hardship.

Legal Reference: § 20-7-1201, MCA *et. seq.*

Montana Digital Academy

Policy History:

Adopted on: 5/9/23

Reviewed on:

Revised on: 10/10/23

1 - **Clinton School District**

2  
3 **INSTRUCTION**

2170P

4  
5 Digital Academy Classes

6  
7 The District will permit a student to enroll in Montana Digital Academy (MDA) classes in order that  
8 such student may include a greater variety of learning experiences within the student’s educational  
9 program or enroll in a class for credit recovery. The District will allow students in grades 6<sup>th</sup>-8<sup>th</sup> to  
10 enroll in the Montana Digital Academy program under the following conditions:

- 11  
12 1. The student must be an enrolled student in the District.  
13  
14 2. A part-time student must be enrolled for a minimum of 180 aggregate hours of instruction as  
15 provided in 20-9-311(4)(a)(i). This can be an onsite or an MTDA class.  
16  
17 3. Determination of Montana High School Association (MHSA) eligibility will be based on  
18 eligibility rules established by MHSA. Students who wish to take MTDA classes and  
19 participate in MHSA activities must follow all extra-curricular eligibility rules.  
20  
21 4. The student will be required to take the class(es) during the Digital Academy course within  
22 the schedule.

23  
24 OR: The student will have the option of taking the MTDA class(es) in the school building,  
25 during school time, or outside of the school building at a remote location, depending how and  
26 when such MTDA class(es) is/are offered.

- 27  
28 5. Any MTDA course offered may be made available to a student in the discretion of the  
29 Superintendent or designee and all courses offered by MTDA shall be considered approved  
30 by the Board of Trustees for the applicable school fiscal year.  
31  
32 6. The District shall pay fees for students enrolled in an MTDA class that required for  
33 graduation as specified in District policy or the student handbook or as determined by the  
34 Superintendent or designee. Classes defined as being required for graduation do not include  
35 classes offered by the District onsite as determined by the Superintendent or designee and will  
36 therefore be considered an elective class, subject to a student fee as referenced in this policy.  
37  
38 7. The District shall charge students a reasonable fee for an elective MTDA course or activity not  
39 required for graduation. The Board of Trustees authorizes the Superintendent to waive the fee  
40 in cases of financial hardship.

41  
42  
43  
44 Policy History:

45 Adopted on: 5/9/23

46 Reviewed on: 5/8/23

47 Revised on:



1 **Clinton School District**

2  
3 **INSTRUCTION**

2221

4  
5 School Emergencies and Closures

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

9  
10 The Board of Trustees is authorized to declare that a state of emergency exists within the  
11 community. A declaration issued by the Board of Trustees is distinct from any declaration in  
12 effect or previously issued by local, state or federal authorities. An emergency declaration issued  
13 by the Board of Trustees authorizes the School District to take extraordinary measures to protect  
14 students and staff while delivering education services in a manner authorized by law. The  
15 method and location of instruction and related educational services shall be implemented in a  
16 manner that serves the needs of students, their families, and staff and preserves the School  
17 District's full entitlement of funding.

18  
19 The trustees may order the emergency closure of schools for one (1) school day each year,  
20 without the need to reschedule the lost pupil instruction time when the closure is the result of an  
21 emergency. The 1-school-day closure under this subsection is not subject to the reduction in  
22 BASE aid pursuant to Section 20-9-805, MCA.

23  
24 In the event of a declared emergency, the School District shall avail itself of all flexibilities  
25 allowed by law, rule, or regulation and shall be otherwise governed by the school finance laws  
26 and rules of the state of Montana. The School District shall comply with auditing requirements  
27 and reserves the authority to assert its rights to manage school district funds or seek state and  
28 federal funds in a manner consistent with the full flexibility available under all applicable laws.

29  
30 If a declaration of emergency is declared by the Board of Trustees, it may later adopt a resolution  
31 that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the  
32 unforeseen emergency. If the trustees adopt the resolution, the pupil-instruction time lost during  
33 the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a  
34 school district must conduct during the school year in order to be entitled to full BASE aid. At  
35 least 75% of the pupil-instruction time lost due to the unforeseen emergency must have been  
36 made up before the trustees can declare that a reasonable effort has been made.

37  
38 For the purposes of this and related policies, "reasonable effort" means the rescheduling or  
39 extension of the school district's instructional calendar to make up at least 75% of the hours of  
40 pupil instruction lost due to an unforeseen emergency through any combination of the following  
41 as outlined in accordance with Policies 2050 and 2100:

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

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Cross Reference: 2100 School Calendar and Day  
2050 Student Instruction  
8110 Bus Routes and Schedules

Legal Reference: Section 20-9-801-802, MCA Emergency School Closure  
Section 20-9-806, MCA School closure by declaration of emergency  
Section 20-9-805, MCA Rate of reduction in annual apportionment entitlement.

Policy History:

Adopted on: 07/01/05  
Reviewed on: 02/10/15  
Revised on: 05/09/23

1 **Clinton School District**

2  
3 **INSTRUCTION**

2221P  
page 1 of 2

4  
5 School Closure Procedure

6  
7 All students, parents, and school employees should assume that school will be in session and  
8 buses running as scheduled, unless there is official notification from the Superintendent to the  
9 contrary. Such notice will be given via public media.

10  
11 In the event extremely cold temperatures, wind chill factors, snow, wind, community disaster,  
12 public health emergency, or other circumstances require a modification of the normal routine, the  
13 Superintendent will make the modification decision prior to 6:00 a.m. and contact the public  
14 radio stations for broadcast to the community and will initiate the emergency fan-out  
15 communication procedure to all administrators.

16  
17 The provisions of this procedure may be terminated, amended, or adjusted, by the Board of  
18 Trustees in the event of circumstances requiring extended school closure due to a declaration of  
19 emergency.

20  
21 Work Schedules and Responsibilities for School Closures

22  
23 **Superintendent**

24  
25 The Superintendent or Board Chair has authority to close schools. The  
26 Superintendent will be on duty throughout any existing or potential emergency situation, day or  
27 night. All orders of doubtful origin should be confirmed with the Superintendent.

28  
29 **Central Administrative Personnel**

30  
31 Central administrative personnel will be expected to report for duty on their assigned shifts in the  
32 event of any school closure, insofar as is safely possible, unless otherwise directed by the  
33 Superintendent or designee. Additional hours may be required, especially of the maintenance  
34 supervisor, business manager, and personnel director, depending on the nature of the emergency.

35  
36 **Building-Level Administrators, Non-Teaching “Exempt” Personnel, and Identified**  
37 **Support Staff**

38  
39 All building-level administrators and non-teaching “exempt” personnel will report for duty per  
40 their normal shifts or as otherwise directed each day during the school closure, together with the  
41 head custodian and at least one (1) secretary, insofar as is safely possible. The building  
42 administrator will ascertain that the building has been adequately secured and that any child who  
43 mistakenly reports to school is properly and safely cared for and returned home per District policy.  
44 The administrator and this minimal support staff shall notify other staff and/or other support  
45 employees of the situation and will respond to telephone questions. Staff will be advised of  
46 schedule for the day by immediate supervisor.

2221P

page 2 of 2

1 **12-Month Classified Employees**

2

3 In the event of school closure, 12-month classified personnel may report for duty or not  
report

4 for duty, as directed by their immediate supervisor. Building secretaries and secretaries to  
5 central administrative personnel who are required to be on duty are expected to report for  
duty.

6 If a 12-month classified employee is unable to or does not report for duty, the employee will  
7 complete a leave request form to declare the day as personal leave, vacation, or leave without  
8 pay.

9

10 **10- and 11-Month Classified Employees**

11

12 Ten- and 11-month employees may report for duty or not report for duty as directed by their  
13 immediate supervisor. If such employees do not report for duty, they will complete a District  
14 leave request form to declare the day as personal leave, vacation, or leave without pay.

15

16 **Aides, Food Service Workers, and Other 9¼-Month Classified Employees**

17

18 These employees work only those days school is in session and are not expected to work  
when

19 school is not in session. If school has been closed, 9¼-month employees should not report for  
20 duty unless otherwise directed by their immediate supervisor. 9¼-month employees will  
21 complete a leave request form to declare the day as personal leave, vacation, or leave without  
22 pay.

23

24 **Teachers (Teachers, Librarians, Psychologists, Counselors)**

25

26 If schools are closed for weather or other emergency conditions, teachers are not expected to  
27 report for duty unless directed otherwise. Teachers do not need to submit an absence form.

In

28 cases of school closures, it is customary for the days to be made up at another time; thus  
teachers

29 will typically still fulfill their contract days.

30

31 Policy History:

32

33 Adopted on: October 12, 2021

34 Reviewed on: October 12, 2021

35 Revised on: October 4, 2021

36

37

Clinton Elementary

Adopted on:  
Reviewed on:

2250 - R

INSTRUCTION

Revised on: 02/10/15

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Community and Adult Education

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

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

2309 - R

INSTRUCTION

Revised on:

Library Materials

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure  
2314 Learning Materials Review

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

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

2310 - R

INSTRUCTION

Selection of Library Materials

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

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

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

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

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

(NOTE: BY STATUTE, THE SUPERINTENDENT, or a principal if there is no district superintendent, HAS AUTHORITY AND IS RESPONSIBLE FOR SELECTION OF LIBRARY MATERIALS, SUBJECT TO BOARD APPROVAL. THE SUPERINTENDENT AND BOARD MAY NOT WANT TO DELEGATE THIS RESPONSIBILITY.)

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2310P - R

INSTRUCTION

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Selection of Library Materials

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

Weeding

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

Discarded materials will be clearly stamped:

“WITHDRAWAL FROM CLINTON PUBLIC SCHOOL LIBRARY”

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

Gifts

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



Clinton Elementary

Adopted on:  
Reviewed on:

2311

INSTRUCTION

Revised on: 04/12/22

Instructional Materials

Instructional materials are any material used in classroom instruction, library or any materials to which a teacher might refer a student as part of the course of instruction.

Textbooks are selected by the superintendent. The Board shall approve the selection of textbooks; However, the selection of other instructional materials is not subject to Board approval.

Textbooks and instructional materials should provide quality learning experiences for students and:

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

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

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

Cross Reference:

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2311P - R

INSTRUCTION

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Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

Selection and Adoption

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

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

Removal

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

Clinton Elementary

Adopted on:  
Reviewed on:

2312 - R

INSTRUCTION

Revised on: 02/10/15

Copyright

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

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

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

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

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

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

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

Copyright Compliance

Authorized Reproduction and Use of Copyrighted Material in Print

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

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

1. Brevity

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

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

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

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

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

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

#### Authorized Reproduction and Use of Copyrighted Materials in the Library

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

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

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

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

#### Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

Teachers may:

- Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;
- Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song;

- In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.
- Make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal;
- Make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and,
- Edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

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

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

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

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

#### Recording of Copyrighted Programs

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

### USE OF INFORMATION RESOURCES REGULATION

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

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

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

#### Authorized Reproduction and Use of Copyrighted Computer Software

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

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

#### Fair Use Guidelines for Educational Multimedia

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

### USE OF INFORMATION RESOURCES REGULATION

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

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

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

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

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

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

The librarian is responsible for ensuring that appropriate warning devices are posted. The warnings are to educate and warn individuals using school district equipment of the copyright law. Warning notices must be posted:

- On or near copiers;
- At the library and other places where interlibrary loan orders for copies of materials are accepted.



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2314 - R

INSTRUCTION

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Learning Materials Review

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

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

Cross Reference: 1700 Uniform Complaint Procedure

1 **Clinton School District**

2  
3 **INSTRUCTION**

2320

4  
5 Field Trips, Excursions, and Outdoor Education

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

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

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

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

23  
24 Transportation and lodging for trips or events under this policy shall be in accordance with  
25 Policy 8132. The presence of a person with a currently valid first aid card is required during  
26 school-sponsored activities, including field trips, athletic, and other off-campus events. Parental  
27 permission shall be documented for all school sponsored trips.

28  
29 Cross Reference      Policy 2158      Parental and Family Engagement  
30                                  Policy 8132                  Activity Trips

31  
32 Legal Reference:      ARM 37.111.825      Health Supervision and Maintenance  
33                                  Title 40, Chapter 6, Part 7 Rights of Parents

34  
35 Policy History:  
36 Adopted on:2/10/15  
37 Reviewed on:  
38 Revised on: 2/20/24

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

2325

INSTRUCTION

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Revised on:

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Featured Films/Video Usage

Only films/videos rated G, PG, or PG-13 may be used in the classroom. Any film/movie with a PG or PG-13 rating must have administrative approval and parent notification allowing them to opt their child out.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2330 - R

INSTRUCTION

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Controversial Issues and Academic Freedom

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

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

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

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

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

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

## **Clinton School District**

### **INSTRUCTION**

2332  
page 1 of 3

#### Religion and Religious Activities

In keeping with the United States and Montana Constitutions and judicial decisions, the District may not support any religion or endorse religious activity. At the same time, the District may not prohibit private religious expression by students.

#### Student Prayer and Discussion

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

#### Staff Members

Staff members may not encourage, discourage, persuade, dissuade, sponsor, participate in, or discriminate against a religious activity or an activity because of its religious content while in the course of performing official duties of that staff member's position(s) with the District.

#### 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. A student may read the Bible or other religious material during free reading time or when self-selected and consistent with a classroom or course requirements.

#### Graduation Ceremonies

In order to assure the appropriateness and dignity of the occasion, the District sponsors and pays for graduation ceremonies and retains ultimate control over their structure and content.

District officials may not invite or permit members of the clergy to give prayers at graduation. Furthermore, District officials may not organize or agree to requests for prayer by other persons at graduation, including requests from students. 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.

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 and 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 religion.

### Religion in the Curriculum

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

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

### Student Religious Clubs

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

### Distribution of Religious Literature

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

### Religious Holidays

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

Legal Reference:

*Kennedy v. Bremertson Sch. Dist.*, 142 S.Ct. 2407 (2022)

Art. II, Sec. 5, Montana Constitution - Freedom of  
religion

§ 20-7-112, MCA      Sectarian publications prohibited, religious  
materials allowed, prayer permitted (*revised  
by House Bills 744, 745*)

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 10/10/23

Clinton Elementary

Adopted on:  
Reviewed on:

2333 - R

INSTRUCTION

Revised on: 02/10/15

Participation in Eighth Grade Graduation Exercises

Statement of Policy

A student’s right to participate in the graduation exercise is an honor. As such, participation in this exercise is reserved for those students who have met the District’s requirements for promotion before the date of the ceremony.

Organization and Content of Promotion Exercises

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

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

*Any presentation by participants of promotion exercises is the private expression of an individual participant and does not necessarily reflect any official position of the District, its Board, administration, or employees, nor does it necessarily indicate the views of any other graduates.*

*The Board recognizes that at promotion time and throughout the course of the educational process, there will be instances when religious values, religious practices, and religious persons will have some interaction with the public schools and students. The Board, while not endorsing any religion, recognizes the rights of individuals to have the freedom to express their individual political, social, or religious views.*

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



Clinton Elementary

Adopted on:  
Reviewed on:

2334

INSTRUCTION

Revised on: 08/09/05, 02/10/15

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Release Time for Religious Instruction

The District may provide for a religious instruction released time program, not to exceed two hours in any school week, under which a student may be released, on written request of a parent(s) or guardian(s), except that no such program will take place in public school property. Such release will not adversely affect a student's attendance.

Legal Reference:     Art. II, Sec. 5, Montana Constitution - Freedom of religion  
                           Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education  
                           § 20-1-308, MCA     Religious instruction released time program

2  
3 **INSTRUCTION**

4  
5 Health Enhancement

6  
7 Health, family life, and sex education, including information about parts of the body, reproduction, and  
8 related topics, will be included in the instructional program as appropriate to grade level and course of  
9 study. An instructional approach will be developed after consultation with parents and other community  
10 representatives. Parents and guardians may ask to review materials to be used and may request that their  
11 child be excluded from human sexuality education or instruction class sessions without prejudice in  
12 accordance with Policy 3120. The District will notify parents and guardians 48 hours prior to any event,  
13 assembly, or introduction of materials for instructional use on the topic of human sexuality. Notification  
14 of parent or guardian rights under this policy will be issued on an annual basis.

15  
16 For purposes of this Policy, "human sexuality education or instruction" means teaching or otherwise  
17 providing information about human sexuality, including intimate relationships, human sexual anatomy,  
18 sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity,  
19 abstinence, contraception, or reproductive rights and responsibilities.

20  
21 AIDS Education and Prevention

22  
23 The Board believes HIV/AIDS and other STD/STI instruction is most effective when integrated into a  
24 comprehensive health education program. Instruction must be appropriate to grade level and  
25 development of students and must occur in a systematic manner. The Board particularly desires that  
26 students receive proper education about HIV and other STD/STI's, before they reach the age when they  
27 may adopt behaviors which put them at risk of contracting the disease.

28  
29 In order for education about HIV and other STD/STI's to be most effective, the Superintendent will  
30 require that faculty members who present this instruction receive continuing in-service training which  
31 includes appropriate teaching strategies and techniques. Other staff members not involved in direct  
32 instruction, but who have contact with students, will receive basic information about HIV/AIDS and other  
33 STD/STI's and instruction in use of universal precautions when dealing with body fluids. In accordance  
34 with Board policy, parents will have an opportunity to review the HIV/STD/STI education program,  
35 before it is presented to students.

36  
37 Cross Reference: Policy 3120 – Compulsory Attendance  
38 Policy 2332 – Student and Family Privacy Rights  
39 Policy 2158 – Family Engagement

40  
41 Legal Reference: §§ 50-16-1001, et seq., MCA AIDS Education and Prevention (AIDS  
42 Prevention Act)  
43 § 20-7-120, MCA Excused Absences from Curriculum  
44 Requirements

45 Policy History:

46 Adopted on: 08/11/09

47 Reviewed on:

48 Revised on: 6/09/09; 02/10/15; 10/11/22

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2413 - R

INSTRUCTION

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Assessment for Placement

Grades 1-8

Requests from parents of students in non-accredited, nonpublic schools for placement in the District school system will be evaluated by an assessment-for-placement team. That team will include:

1. A school principal;
2. One (1) teacher of the grade in which the student is being considered for enrollment; and
3. One (1) counselor (grades 6-8 only) (OPTIONAL).

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

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

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2420

INSTRUCTION

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Grading and Progress Reports

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2421

INSTRUCTION

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Promotion and Retention

The Board recognizes that students of the same age are at many intellectual and developmental levels and that these differences are a normal part of human development. Because of these differences, the administrators and teaching staff are directed to make every effort to develop curricula and programs that will meet the individual and unique needs of all students and allow them to remain with their age cohorts.

It is the philosophy of the District that students thrive best when placed in or promoted to grade levels with other students of compatible age, physical, social, and emotional status. It is the District's philosophy to promote students who demonstrate effort within those compatibilities. It is equally the District's philosophy and practice to retain students who do not make a reasonable effort to meet grade-level expectations, as long as those expectations are commensurate with the individual student's ability and rate of learning.

If a parent insists that a student be retained or promoted, a notice will be placed in the student's file that the retention or promotion was a parent's decision and not recommended by the school.

**INSTRUCTION**

Personalized Learning Opportunities

The District seeks to create personalized learning opportunities permitted by Montana law, including but not limited to work-based learning, proficiency-based learning, offsite instruction, and transformational learning, to fulfill the people’s goal of developing the full educational potential of each person.

Personalized learning opportunities are offered to:

- Develop individualized pathways for career and postsecondary educational opportunities that honor individual interests, passions, strengths, needs, and culture;
- Support the student through the development of relationships among teachers, family, peers, the business community, postsecondary education officials, and other community stakeholders;
- Embed community-based, experiential, online, and work-based learning opportunities;
- Foster a learning environment that incorporates both face-to-face and virtual connections; and
- Support transformational learning through the development of individual learning plans for participating students.

Legal Reference:	Article X, Section 1, Montana Constitution	
	§ 20-9-311	Calculation of average number belonging (ANB) – 3-year averaging
	§ 20-3-324, MCA	Powers and duties
	§ 20-7-118, MCA	Remote Instruction ( <i>revised by House Bill 214</i> )
	§ 20-7-1601, MCA	Transformational Learning –Legislative Intent ( <i>revised by Senate Bill 8</i> )
	§ 20-7-1602, MCA	Incentives for creation of transformation learning programs ( <i>revised by Senate Bill 8</i> )
	10.55.602, ARM	Definitions
	10.55.701, ARM	Board of Trustees

Cross References:	Board Policy 2422	Proficiency
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Policy History:

Adopted on: 11/14/23

Revised on:

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

2430

INSTRUCTION

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Homework

Homework is a constructive tool in the teaching/learning process when geared to the needs and abilities of students. Purposeful assignments not only enhance student achievement, but also develop self-discipline and associated good working habits. As an extension of the classroom, homework must be planned and organized, must be viewed as purposeful to the students, and should be evaluated and returned to students in a timely manner.

Teachers may give homework to students to aid in the students' educational development. Homework should be an application or adaption of a classroom experience, and should not be assigned for disciplinary purposes.

**Clinton School District**

**INSTRUCTION**

Recognition of Native American Cultural Heritage

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

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

- Working cooperatively with Montana Tribes in close proximity to the District, when providing instruction, when implementing educational goals or adopting rules relating to education of students in the District;
- Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native Americans, which will include but not necessarily be limited to:
  - Considering methods by which to provide books and materials reflecting authentic historical and contemporary portrayals of Native Americans;
  - Taking into account individual and cultural diversity and differences among students;
- Providing necessary training for school personnel, with the objective of gaining an understanding and awareness of Native American culture, which will assist the District’s staff in its relations with Native American students and parents.

The Board requires certified staff to satisfy the requirements for instruction in American Indian studies when required by Montana law.

Legal Reference:	Art. X, Sec. 1(2), Montana Constitution
	§§ 20-1-501, et seq., MCA Indian Education for All ( <i>revised by House Bill 338</i> )
	10.55.603 ARM Curriculum and Assessment
	10.55.803 ARM Learner Access
	10.55.901 ARM Basic Education Program: Elementary
	10.55.902 ARM Basic Education Program: Junior High, 7 <sup>th</sup> and 8 <sup>th</sup> Grade Program, or Middle School
	10.55.904 ARM Basic Education Program Offerings: High School



Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 10/10/23

## Clinton Elementary Wellness Policy

### Background

In the Child Nutrition and WIC Reauthorization Act of 2004, the U.S. Congress established a new requirement that all school districts with a federally-funded school meals program develop and implement wellness policies that address nutrition and physical activity by the start of the 2006-2007 school year. In response to requests for guidance on developing such policies, the National Alliance for Nutrition and Activity (NANA, see [www.nanacoalition.org](http://www.nanacoalition.org)) convened a work group of more than 50 health, physical activity, nutrition, and education professionals from a variety of national and state organizations to develop a set of model policies for local school districts.

The Clinton School District is committed to providing a school environment that promotes and protects children's health, wellbeing and their ability to learn by promoting healthy habits regarding eating and physical activity. Therefore, it is the policy of the Clinton School District that our wellness policy, at a minimum includes:

1. **Wellness Committee:** consisting of the School Board, Superintendent, PTSA, Food Service Director and Business manager. The Wellness committee will convene once every three years, to evaluate the current policy and make any changes accordingly. During this meeting, the committee will review activity standards, recess schedules and opportunities for Clinton School kids to be active throughout the day. If concerns arise from parents or staff, prior to a three year review of this policy, the committee will convene to address issues at hand. This committee will meet at a minimum once every three years, at most once per year, to discuss, review, modify and implement updates to the school wellness policy as necessary.
2. **Nutrition Education and Nutrition Promotion**  
All students K-8 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

**Goals for nutrition education:**

- Each year, Clinton School District will bring in a licensed nutritionist during the spring semester to teach students in 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> grade about healthy nutrition and making healthy choices regarding food and eating. These sessions will be once per week for six weeks.
- Middle school (6-8) will be given opportunities to discuss and learn about nutrition throughout the school year in PE and health classes offered each semester.

**3. 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 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.

**Goals for physical activity:**

- Offer physical activity in the form of PE, recess and after school program activities (active kids, kids club dance offs or free gym play). Recess to be offered at least three times per day for K-3 students and twice per day for 4-8 students. These active times are at least 15 minutes each time, up to 30 minutes.
- Clinton School will continue to offer physical activity fund raising events such as Jump Rope for Heart.
- Clinton School will also work in conjunction with our PTSA to promote and participate in an annual fun run sponsored by Clinton PTSA.

**4. 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.

The food service program will provide monthly menus to students and parents. These will be sent home with students, as well as sent in our monthly newsletters and posted on the school website, [www.clintoncougars.com](http://www.clintoncougars.com).

### **School Meals:**

- All meals, lunch and breakfast, will be served in a clean cafeteria style setting.
- We will provide more meals “from scratch” and less pre-prepared/packaged foods.
- Continue offering our open salad bar during the lunch hours.
- Continue with the Healthy Snack program and provide fruits and vegetables to all students at least three times per week.
- Introduce new vegetables to our meal menu through the Harvest of the Month program offered by OPI Nutrition Services.
- Continue to serve only low-fat (1%) and fat-free <sup>(1)</sup> and chocolate (1%) milk and nutritionally-equivalent nondairy alternatives (to be defined by USDA);
- Continue to ensure that all grains served in meals and on the salad bar are whole grain.
- Clinton School will continue to bring in licensed nutritionists to teach about health eating and food choices. Evaluation of this service will come from our teachers and parental feedback.
- **Free and Reduced-priced Meals.** Clinton School District makes every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced price school meals. No eligibility information is provided at the meal terminals, or anywhere outside of the main school office or counseling office.
- **Qualifications of School Food Service Staff.** Qualified food service program employees participate on the Wellness Committee. As part of the school district’s responsibility to operate a food service program, we will encourage and support continuing professional development for our food service employees, based on OPI recommendation of hours per year. The food service staff hired will operate as a team under the direction of the Food Service Supervisor.
- **Sharing of Foods and Beverages.** Clinton School District discourages students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children’s diets.

### **Beverages:**

- **Allowed:** water, fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally equivalent nondairy beverages (to be defined by USDA);
- **Not allowed:** soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

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<sup>1</sup> As recommended by the Dietary Guidelines for Americans 2005. <sup>2</sup> A whole grain is one labeled as a “whole” grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include “whole” wheat flour, cracked wheat, brown rice, and oatmeal.

## CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

### 3000 SERIES STUDENTS

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3225F	Harassment Reporting Form for Students
<b>R</b> 3226	Bullying/Harassment/Intimidation/Hazing
3231 - 3231P	Searches and Seizure
3233	Student Use of Buildings: Equal Access
3235	Video Surveillance
<b>R</b> 3300	Suspension and Expulsion - Corrective Actions and Punishment
3305	Use of Restraint, Seclusion, and Aversive Techniques for Students
<b>R</b> 3310	Student Discipline
3310P	Discipline of Students With Disabilities
3311	Firearms and Weapons
3340	Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
3410	Student Health/Physical Screenings/Examinations
3413	Student Immunization
3413F	Religious Exemption Statement
3415-3415P	Management of Sports Related Concussions
3415F	Student Athlete and Parent/Legal Custodian Concussion Statement
3416	Administering Medicines to Students
3416F	Montana Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication
3417	Communicable Diseases
3420	Head Lice
3431	Emergency Treatment
3431F	Accident Report
3440	Removal of Student During School Day
3510	School-Sponsored Student Activities

<b>R</b>	3520	Student Fees, Fines, and Charges
	3550	Student Clubs
	3600 - 3600P - 3600F1	Student Records
	3600F2	Student Directory Information Notification
<b>R</b>	3606	Transfer of Student Records
<b>R</b>	3608	Receipt of Confidential Records
	3610	Programs for At-Risk/Disadvantaged Students
	3611	Gangs and Gang Activity
<b>R</b>	3612	District-Provided Access to Electronic Information, Services, and Networks
<b>R</b>	3612P	Acceptable Use of Electronic Networks
<b>R</b>	3612F	Internet Access Conduct Agreement
	3630	Cell Phones and Other Electronic Equipment
	3650	Pupil Online Personal Information Protection

## Clinton School District

### STUDENTS

3110

Page 1 of 3

#### Entrance, Placement, and Transfer

##### *Age*

No pupil may be enrolled in the kindergarten or first grade whose 5<sup>th</sup> birthday does not occur on or before September 10 of the school year in which the child registers to enter. A parent may request a waiver of the age requirement. All waivers are in the discretion of and subject to the approval of the superintendent. No pupil may be enrolled in the District if that pupil has reached his or her 19<sup>th</sup> birthday on or before September 10 of the school year in which the child registers to enter school. A student may request a waiver of the age limitation where there are exceptional circumstances, which must be approved by the board. The trustees may also admit an individual who as graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision or a student who is not yet 10 years of age and experienced educational disruption and was awarded a diploma as a result and seeks access to reasonable curriculum designed to advance post-secondary success.

Except when enrollment is otherwise required by law, the Board of Trustees has the discretion to give special permission to enroll a student who has not reached the age of five (5) on or before September 10 of the school year where there are exceptional circumstances. The Board of Trustees declares the following to be qualifying “exceptional circumstances” within the meaning of the term as used in 20-5-101(3) MCA and “special permission” within the meaning of that term as used in 20-7-117 MCA, that merit waiving the age provisions of 20-7-117 MCA for qualifying children under 5 years of age:

##### **Exceptional circumstances means:**

- The student is being admitted into an early literacy targeted intervention classroom-based program and are adopting Policy 2165 established by trustees pursuant to Montana Law.
- The student is determined by the trustees to be ready for kindergarten.
- The child’s parents have requested early entry into the District’s one-year Early Literacy program.
- The student is 19 years of age or older and in the trustee’s determination benefit from educational programs offered by a school of the District.
- The trustees shall assign and admit a student who is enrolled in a nonpublic or homeschool and who meets the age and residency requirements on a part-time basis at the request of the student’s parents or guardians.

##### **Entrance-Identity and Immunization**

Students enrolling in the District for the first time must present a birth certificate or other reliable proof of identity and age within 40 days, as well as proof of residence, and immunization from disease as required by Montana. Students who are homeless, in foster care, or are the child of a

military family are entitled to immediate enrollment regardless of presentation of the required documentation. If the parent of the student does not provide proof of identification within 40 days, the District shall notify the missing children information program and a local law enforcement authority of the fact that no proof of identity has been presented for the child.

Nonresident students shall be admitted when required by law or as permitted by District policy. A student who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The District shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the District should have the original immunization records.

When a parent/guardian signs and files with the District, prior to the commencement of attendance each school year, a notarized affidavit on a form prescribed by the State of Montana stating that immunization is contrary to the religious tenets and practices of the parent, immunization of the student seeking to attend in the District will not be required prior to attendance. The statement must be maintained as part of the student's immunization records.

The District will also accept medical exemptions as required by law.

### **Placement**

The goal of the District shall be to place students at levels and in settings that will enhance 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.

### **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 may attend classes during preliminary enrollment and may receive offsite instruction if not present in the District.

### **Transfer Students**

Resident students seeking to transfer to a District school will be admitted and placed pursuant to the terms of this policy. The District will request the student's records from the prior school district prior to making any final decision on placement.



Elementary students shall be placed at their current grade level on a probationary basis for a period of two weeks. Should any doubt exist with the teacher and/or Principal as to grade and level placement of the student, the student shall be subject to an educational assessment to determine appropriate grade and level placement.

High school students shall be placed according to the number of credits earned in their previous accredited school districts, subject to Montana Accreditation Rules and Standards and local alternate procedures for earning credit.

#### Cross Reference

1700	Uniform Grievance Protocol
2413	Credit Transfer/Assessment for Placement
3125	Education of Homeless Children
3130	Education of Children in Foster Care
3150	Part-Time Attendance

#### Legal References

§01-1-215, MCA	Residence – rules for determining
§20-5-101, MCA	Admittance of child to school (revised by House Bill 946)
§20-5-403, MCA	Immunization requirements
§20-5-404, MCA	Conditional attendance
§20-5-405, MCA	Medical or religious exemption
§20-5-406, MCA	Immunization record
§20-5-502, MCA	Enrollment by a caretaker relative residency affidavit
§20-7-117, MCA	Kindergarten and preschool programs
§44-2-511, MCA	School enrollment procedures for missing children
10.55.701, ARM	Board of Trustees
10.55.906, ARM	High School Credit
House Bill 352	Targeted Interventions to Support 3 <sup>rd</sup> Grade Reading Proficiency
House Bill 246	Omnibus K-12 Education Legislation

#### Policy History:

Adopted on: 2/10/15

Reviewed on: 1/09/23

Revised on: 3/12/24

1 **Clinton School District**  
2 **R**

3 **STUDENTS**  
4 **3120**

5 Compulsory Attendance

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

16 Parents or legal guardians or legal custodians are responsible for seeing that their children who are age  
17 seven (7) or older before the first (1<sup>st</sup>) day of school attend school until the later of the following  
18 dates:

- 19 1. Child's sixteenth (16<sup>th</sup>) birthday; or
- 20 2. The date the child completes the eighth (8<sup>th</sup>) grade.

21 The provisions above do not apply in the following cases:

- 22 (a) The child has been excused under one of the conditions specified in 20-5-102.
- 23 (b) The child is absent because of illness, bereavement, or other reason prescribed by the  
24 policies of the trustees.
- 25 (c) The child has been suspended or expelled under the provisions of 20-5-202.
- 26 (d) The child is excused pursuant to Section 2 of 20-5-103.
- 27 (e) The child is excused pursuant to 40-6-701(1) or Policy

28 Compulsory attendance stated above will not apply when children:

- 29 1. Are provided with supervised correspondence or home study; or
- 30 2. Are excused because of a determination by a district judge that attendance is not in the best  
31 interests of the child; or
- 32 3. Are enrolled in a non-public or home school; or
- 33 4. Are enrolled in a school in another district or state; or
- 34 5. Are excused by the Board on a determination that attendance after age of sixteen (16) is not in  
35 the best interests of the child and the school.

36

37		
38	Legal Reference:	§ 20-1-308, MCA Religious instruction released time program
39		§ 20-5-101, MCA Admittance of child to school
40		§ 20-5-102, MCA Compulsory enrollment and excuses
41		§ 20-5-103, MCA Compulsory attendance and excuses
42		§ 20-5-104, MCA Attendance officer
43		§ 20-5-106, MCA Truancy
44		§ 20-5-107, MCA Incapacitated and indigent child attendance
45		§ 20-5-108, MCA Tribal agreement with district for Indian child

46		compulsory attendance and other agreements
47	§ 20-5-202, MCA	Suspension and Expulsion
48	§40-6-701(1)	Parental Rights
49	Chapter 693 (2023)	Parental Rights

50

51

52

53 Policy History:

1 Adopted on: 2/14/12

2 Reviewed on: 1/10/12; 2/10/15

3 Revised on: 9/12/23

1 **Clinton School District**

2  
3 **STUDENTS**

4  
5 Enrollment and Attendance Records

6  
7 Since accurate enrollment and attendance records are essential both to obtain state financial  
8 reimbursement and to fulfill the District’s responsibilities under the attendance laws, staff shall  
9 be diligent in maintaining such records.

10  
11 A district may only include, for ANB purposes, any student who participates in pupil instruction  
12 as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20,  
13 including but not limited to an enrolled student who is:

- 14  
15 • A resident of the district or a nonresident student admitted by trustees under a student  
16 attendance agreement and who is attending a school of the district, offsite instructional  
17 setting or remote instruction from the public schools of the district;
- 18  
19 • Unable to attend school due to a medical reason certified by a medical doctor and  
20 receiving individualized educational services supervised by the district, at district  
21 expense, at a home or facility that does not offer an educational program;
- 22  
23 • Unable to attend school due to the student’s incarceration in a facility, other than a youth  
24 detention center, and who is receiving individualized educational services supervised by  
25 the district, at district expense, at a home or facility that does not offer an educational  
26 program;
- 27  
28 • Living with a caretaker relative under Section 1-1-215, MCA;
- 29  
30 • Receiving special education and related services, other than day treatment, under a  
31 placement by the trustees at a private nonsectarian school or private program if the  
32 student’s services are provided at the district’s expense under an approved individual  
33 education plan supervised by the district;
- 34  
35 • Participating in the Running Start Program at district expense under Section 20-9-706,  
36 MCA;
- 37  
38 • Receiving education services, provided by the district, using appropriately licensed  
39 district staff at a private residential program or private residential facility licensed by the  
40 Department of Public Health and Human Services;
- 41  
42 • Enrolled in an educational program or course provided at district expense using  
43 remote instruction consistent with Policies 2050, 2168, and 2170;

1 The student:

- 2 • must meet the residency requirements for that district as provided in 1-1-215;
- 3 • shall live in the district and must be eligible for educational services under the
- 4 Individuals with Disabilities Education Act or under 29 U.S.C. 794; or
- 5 • attend school in the district must be enrolled in the educational program or course
- 6 under a mandatory attendance agreement as provided in 20-5-321; or
- 7 • must be receiving remote instruction under 20-7-118(1)(c).

- 9
- 10 • A student enrolled on a part time basis consistent with Policy 3110, 3150, 3121P;
- 11
- 12 • A student of the district completing work on a proficiency basis in accordance with
- 13 Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- 14
- 15 • A student enrolled by the Board for exceptional circumstances as defined in applicable
- 16 District policies and in accordance with Section 20-5-101, MCA.
- 17
- 18 • A student gaining credit for participating in a work-based learning program pursuant to
- 19 Section 20-7-1510, MCA, and Policy 2600;
- 20
- 21 • A student participating in an “innovative educational program” as defined in Section 15-
- 22 30-3102, MCA;
- 23
- 24 • A resident of the district attending a Montana job corps program under an interlocal
- 25 agreement with the district under Section 20-9-707, MCA; or
- 26
- 27 • A resident of the district attending a Montana Youth Challenge Program under an
- 28 interlocal agreement with the district under Section 20-9-707, MCA.
- 29
- 30 • A student with a disability who is over 19 years old but under 21 years of age, has been
- 31 enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in
- 32 accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools,
- 33 if the following criteria are satisfied:
- 34
  - 35 • the student has not graduated;
  - 36 • the student is eligible for special education services and is likely to be eligible for
  - 37 adult services for individuals with developmental disabilities due to the
  - 38 significance of the student's disability; and
  - 39 • the student's individualized education program has identified transition goals that
  - 40 focus on preparation for living and working in the community following high
  - 41 school graduation since age 16 or the student's disability has increased in
  - 42 significance after age 16.
- 43

44 In order for a student who is served through distance learning or offsite delivery methods to be  
45 included in the calculation of average number belonging, the student must meet one or more of  
46 the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.

1  
2 Enrollment for Purposes of Participation in Extracurricular Activities By an Unenrolled Child or  
3 Part Time Enrolled Student

4  
5 The District shall include for ANB purposes a child who during the prior school year:

- 6 a. resided in the District;  
7 b. was not enrolled in the District or was not enrolled full time; and  
8 c. completed an extracurricular activity with a duration of at least 6 weeks in accordance  
9 with Policy 3510.

10  
11 Each completed extracurricular activity that, inclusive of practices and post-season tournaments,  
12 lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed  
13 extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A  
14 child may not be counted as more than one full-time enrollment for ANB purposes.

15  
16 For purposes of calculating ANB under this section, "extracurricular activity" means:

- 17 a. a sport or activity sanctioned by an organization having jurisdiction over interscholastic  
18 activities, contests, and tournaments;  
19 b. an approved career and technical student organization, pursuant to Section 20-7-306,  
20 MCA; or  
21 c. a school theater production.

22  
23 Homeless Youth and Foster Children

24 Assignment to schools shall be subject to modification when federal law applicable to students  
25 placed in foster care or students who are homeless requires that such students be educated in a  
26 "school of origin" that differs from the assigned school.

27  
28 Cross References: Policy 3510 School Sponsored Activities  
29 Policy 2600 Work Based Learning  
30 Policy 1010FE/3100 Early Enrollment for Exceptional Circumstances

31  
32 Legal Reference: § 1-1-215, MCA Residence – rules for determining  
33 § 20-9-311, MCA Calculation of average number belonging (ANB)  
34 § 20-9-706, MCA Running start program  
35 § 20-9-707, MCA Agreement with Montana youth challenge program  
36 or accredited Montana job corps program  
37 § 20-5-101, MCA Admittance of child to school  
38 § 20-5-112, MCA Participation in Extracurricular Activities  
39 § 20-1-101, MCA Definitions  
40 § 20-3-324, MCA Powers and Duties  
41 §20-7-1510, MCA Credit for participating in work-based learning  
42 partnerships  
43 29 U.S.C. 794 Nondiscrimination under Federal grants  
44 and programs  
45 34 CFR 300.1, et seq. Assistance to states for the education of children  
46 with disabilities

1  
2  
3  
4  
5  
6  
7

Chapter 580 (2023) - Remote Instruction  
Chapter 307 (2023) – Transformational Learning

Policy History:  
Adopted on:  
12/12/23  
Reviewed on:  
Revised on:

1 **Clinton School District**

2  
3 **STUDENTS**

3121P  
page 1 of 2

4  
5 Enrollment and Attendance Records

6  
7 Average Number Belonging

8  
9 Average Number Belonging (ANB) is the enrollment measure used for the State Foundation  
10 Program calculations as defined in § 20-9-311, MCA. The ANB of one year is based on the  
11 attendance records of the preceding year. Funding for districts is based on ANB, which is based  
12 on “aggregate hours” per year and must be accurate. “Aggregate hours” means the hours of  
13 pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

14  
15 For a child to be counted for ANB purposes:

- 16  
17 a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;  
18  
19 b) Attending 180 to 359 aggregate hours = One-quarter time enrollment  
20  
21 c) Attending 360 to 539 aggregate hours = One-half time enrollment  
22  
23 d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment  
24  
25 e) Attending 720 aggregate hours or more = Full-time enrollment

26  
27 A school district may include in its calculation of ANB a pupil who is enrolled in a program  
28 providing fewer than the required aggregate hours of pupil instruction required under subsection  
29 20-9-311(4)(a) or (4)(b) if the pupil had demonstrated proficiency in the content ordinarily  
30 covered by the instruction as determined by the school board using district assessments. The  
31 ANB must be converted to an hourly equivalent based on the hours of instruction ordinarily  
32 provided for the content over which the student has demonstrated proficiency.

33  
34 A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public  
35 school, program, or district may not be counted as more than one full-time pupil for ANB  
36 purposes. When a pupil is concurrently enrolled in more than one district, any fractional  
37 enrollment under 20-9-311(4)(a) must be attributed first to a pupil's nonresident district.

38  
39 Homebound Students

40  
41 Students who are receiving instructional services, who were in the education program and, due to  
42 medical reasons certified by a medical doctor, are unable to be present for pupil instruction, may  
43 be counted as enrolled for ANB purposes, if the student:

- 44  
45 a) Is enrolled and is currently receiving organized and supervised pupil instruction;  
46



- 1 b) Is in a home or facility which does not offer a regular educational program; and  
2  
3 c) Has instructional costs during the absence, which are financed by the District's general  
4 fund.

5  
6 If a homebound student does not meet the criteria set forth above, the District may request a  
7 variance through the Office of Public Instruction, for consideration of the student in the  
8 enrollment count for ANB purposes beyond the tenth (10<sup>th</sup>) day of absence.

9  
10 Attendance Accounting

11  
12 Days present and absent for every student are to be recorded in each building, for the purpose of  
13 informing parents of a student's attendance record.

14  
15 On the first (1<sup>st</sup>) Monday in October and the first (1<sup>st</sup>) Monday in February, the number of all  
16 enrolled students (whether present or absent) by grade level and class will be recorded on the  
17 forms provided by the District. Special education children who are enrolled in special programs  
18 sixteen (16) hours or more a week will be listed separately. The Director of Special Education  
19 should be contacted to verify this count. Monthly student counts of enrolled children by grade  
20 and classroom will be provided by the office.

21  
22  
23  
24 Legal Reference: 10.20.102, ARM Calculation of Average Number Belonging (ANB)  
25 § 20-1-101, MCA Definitions  
26 § 20-9-311, MCA Calculation of average number belonging (ANB) –  
27 three-year averaging  
28

29 Policy History:

30 Adopted on: 12/12/23

31 Reviewed on:

32 Revised on:

Clinton Elementary

Adopted on:  
Reviewed on:

3122

STUDENTS

Revised on: 02/10/15

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Attendance Policy

To reach the goal of maximum educational benefits for each child requires a regular continuity of instruction, classroom participation, learning experiences, and study. Regular interaction of students with one another in the classroom and their participation in instructional activities under the tutelage of competent teachers are vital to the entire process of education. This established principle of education underlies and gives purpose to the requirement of compulsory schooling in every state in the nation. The good things schools have to offer can only be presented to students in attendance. With continued emphasis regarding Excellence in Education, all parties involved in attendance can better strive for quality in the classroom.

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

Specific rules and regulations regarding attendance and tardies can be found in the respective student handbook.

Clinton Elementary

Adopted on:  
Reviewed on:

3123 -R

STUDENTS

Revised on: 09/10/13, 02/10/15

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Attendance Policy - Truancy

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

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

The Clinton Elementary School district’s definition of non-attendance without excuse is stated in the respective student handbooks.

The Clinton Elementary School district has appointed the administrators as the attendance officers.

Upon the board designating one or more of its staff as the attendance officer(s), the attendance officer(s) shall have the powers and duties as stated in 20-5-105(1) (Section 2), MCA.

Legal Reference:	§ 20-5-103, MCA	Compulsory attendance and excuses
	§ 20-5-104, MCA	Attendance officer
	§ 20-5-105, MCA	Attendance officer – powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-107, MCA	Incapacitated and indigent child attendance
	§ 41-5-103(22), MCA	Definitions

Clinton Elementary

Adopted on:  
Reviewed on:

3125 - R

STUDENTS

Revised on: 02/10/15

Education of Homeless Children

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

Should a child become homeless over the course of the school year, the child must be able to remain at the school of origin, or be eligible to attend another school in the district.

The Superintendent or designees will review and revise as necessary rules or procedures that may be barriers to enrollment of homeless children and youths. In reviewing and revising such procedures, the Superintendent will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Homeless students will have access to services comparable those offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The Superintendent or designee will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children.

A “homeless individual” is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. Thereafter, a written complaint must be filed in accordance with the District Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

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

Clinton Elementary

Adopted on:  
Reviewed on:

3141

STUDENTS

Revised on: 02/10/15

Discretionary Nonresident Student Attendance Policy

Except as otherwise provided by law, admission to the District as a nonresident student is a privilege. The Board, recognizing that its resident students need an orderly educational process and environment, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes criteria for the discretionary admission of nonresident students.

1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at its discretion. As such, the District will screen all nonresident students and consider only those who meet the criteria set forth in this policy.
2. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.
3. Nonresident students who do not qualify for mandatory attendance will not be admitted to District schools, with the following exceptions:
  - a. Children in the immediate family of nonresident District employees;
  - b. Students residing outside the District provided they:
    - I. be in good standing with the most recently attended school in terms of academics, conduct, and attendance;
    - II. be able to demonstrate a record free of truancy;
    - III. be able to demonstrate a clean behavior record in the school last attended for a period of at least one (1) year;
    - IV. have passing grades in the school previously attended;
    - V. have correctly completed the nonresident student application process; and
    - VI. present no other educationally related detriment to the students of the District.
4. The District will examine a student’s records from previous school districts before any Board approval for admission.
5. The District has the option of accepting a nonresident student who does not meet the criteria set forth by the administration, if the student agrees to special conditions of admission as set forth by the District.
6. Every nonresident student who attends District schools must reapply for admission for the succeeding school year by June 15. Admission in one school year does not infer or guarantee admission in subsequent years.

- 1
- 2
- 3
- 4 7. The District will not admit nonresident students when doing so would require hiring
- 5 additional staff or providing educational services not currently offered or would create
- 6 crowding of existing classes.
- 7
- 8 8. All resident students who become nonresidents because their parents or guardians move
- 9 out of the District may continue attendance for the semester, barring registration in
- 10 another District. At the completion of the semester, a student must apply as a nonresident
- 11 student.
- 12
- 13 9. The Board reserves the right to charge tuition for nonresident students. At its discretion,
- 14 the Board may charge or waive tuition for all students whose tuition is required to be paid
- 15 by one kind of entity, defined as either a parent or guardian or a school district. Any
- 16 waiver of tuition will be applied equally to all students whose tuition is paid by the same
- 17 kind of entity (i.e., if the District charges tuition in those circumstances where a resident
- 18 district pays but waives tuition in those circumstances where a parent or guardian is
- 19 responsible for tuition, the tuition waiver will be applicable to all students whose parents
- 20 or guardians bear the responsibility for payment).
- 21
- 22 10. All nonresident students will be considered ineligible transportees for school
- 23 transportation services (§ 20-10-101, MCA).
- 24
- 25 11. The Board may declare an emergency which, in its opinion, necessitates the removal of
- 26 all nonresident students from District schools.
- 27
- 28 12. The Board will not admit any student who is expelled from another school district.
- 29

30		
31		
32	Legal Reference:	§ 20-5-314, MCA Reciprocal attendance agreement with adjoining
33		state or province
34		§ 20-5-320, MCA Attendance with discretionary approval
35		§ 20-5-321, MCA Attendance with mandatory approval – tuition and
36		transportation
37		§ 20-5-322, MCA Residency determination – notification – appeal for
38		attendance agreement
39		§ 20-5-323, MCA Tuition and transportation rates
40		10.10.301B, ARM Out-of-District Attendance Agreements
41		
42		
43		

**Clinton School District**

**STUDENTS**

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page 1 of 1

Part-Time Attendance

The District shall assign and admit a resident student enrolled in a nonpublic or home school who meets the age requirements established by Montana law. This policy does not restrict or limit the ability of a nonpublic or home school student from participating in extracurricular activities if eligible pursuant to Montana law. The District will also admit a student on a part-time basis as provided in an IEP or Section 504 plan.

Legal Reference:	§ 20-5-101, MCA	Admittance of a child to school ( <i>revised by House Bill 396</i> )
	§ 20-5-112, MCA	Participation in extracurricular activities
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) – 3-year averaging

Policy History:

Adopted on: 2/10/23

Reviewed on:

Revised on: 11/14/23

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on:

3200

STUDENTS

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Student Rights and Responsibilities

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

Cross Reference:     3231   Searches and Seizure  
                           3310   Student Discipline

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





34 CFR 104.7	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education
10.55.701, ARM	Board of Trustees
§ 20-5-112, MCA	Participation in extracurricular activities
§ 20-5-109, MCA	Nonpublic school requirements for compulsory enrollment exemption ( <i>Revised by House Bill 702</i> )
§ 49-2-312, MCA	Discrimination based on vaccination status or possession of immunity passport prohibited

Cross References:

Policy History:

Adopted on: 10/09/12

Reviewed: 2/10/15

Revised on: 11/10/20; 12/12/23

2  
3 **STUDENTS**

4  
5 Equal Educational Opportunity, Nondiscrimination, and Sex Equity

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

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

14  
15 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
16 directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the  
17 Department of Education, or both. The Board designates the following individual to serve as the  
18 District’s Title IX Coordinator:

19  
20 Title: Superintendent  
21 Office address: PO Box 250, 20397 E Mullan Rd, Clinton, MT 59825  
22 Email: acyr@clintoncougars.com  
23 Phone number: (406)825-3113, ext 222

24  
25 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
26 should be directed to the District Section 504 Coordinator. The Board designates the following  
27 individual to serve as the District’s Section 504 Coordinator:

28  
29 Title: Superintendent  
30 Office address: PO Box 250, 20397 E Mullan Rd, Clinton, MT 59825  
31 Email: acyr@clintoncougars.com  
32 Phone number: (406)825-3113, ext 222

33  
34 Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights  
35 and Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226-  
36 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform  
37 Complaint Procedure.

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

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

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**Additional Optional Provision:**

***“gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity”***

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

Legal Reference:	Art. X, Sec. 7, Montana Constitution-	Nondiscrimination in education
	§ 49-2-307, MCA	Discrimination in education
	24.9.1001, et seq., ARM	Sex Discrimination in Education
	Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.	
	34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

**Policy History:**

Adopted on: 10/09/12  
 Reviewed on: 2/10/15  
 Revised on: 11/10/20

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3221

STUDENTS

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Student Publications

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

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

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

1 **Clinton School District**

2  
3 **STUDENTS**

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4  
5 **Distribution and Posting of Student Materials**

6  
7 District policy allows distribution of materials for student curricular clubs and non-curricular  
8 groups.

9  
10 The Superintendent, building principal, or designee must approve all materials before they may  
11 be distributed or posted. Materials distributed or posted will include an notation to inform the  
12 recipient if the material is from a curricular student club or non-curricular student group.

13  
14 To facilitate the distribution of materials with information about student activities, each school  
15 may maintain a centrally located bulletin board for the posting of materials, and/or maintain a  
16 table available to students for placing approved materials. Materials may also be posted on  
17 designated walls in the school buildings.

18  
19 Materials from a curricular student club or non-curricular student group. which provide  
20 information valued or needed by the students of the school district may be distributed, except  
21 those that would:

- 22  
23 A. Disrupt the educational process;  
24 B. Violate the rights of others;  
25 C. Invade the privacy of others;  
26 D. Infringe on a copyright;  
27 E. Violate District policy, procedure, or administrative directive;  
28 F. Be obscene, vulgar or indecent; or  
29 G. Promote violence, discriminatory conduct, the use of drugs, alcohol, tobacco, nicotine  
30 and any other tobacco innovation, firearms, or certain products that create community  
31 concerns.

32  
33 All non-student community materials must be reviewed and approved by the Superintendent,  
34 building principal, or designee in accordance with Policy 4331.

35  
36 Policy History:

37 Adopted on: January 11, 2022

38 Reviewed on: January 11, 2022

39 Revised on: January 5, 2022

Clinton Elementary

Adopted on:  
Reviewed on:

3224

STUDENTS

Revised on: 02/10/15

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Student Dress

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

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

5 Sexual Harassment of Students

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of  
12 Education, or both.

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

- 15 Title: Superintendent
- 16 Office address: PO Box 250, 20397 E Mullan Road, Clinton, MT 59825
- 17 Email: acyr@clintoncougars.com
- 18 Phone number: (406)825-3113 ext 222

19  
20  
21 Any person may report sex discrimination, including sexual harassment, at any time, including  
22 during non-business hours. Such a report may be made in person, by mail, by telephone or by  
23 electronic mail, using the contact information listed for the Title IX Coordinator, or by any other  
24 means that results in the Title IX Coordinator receiving the person’s verbal or written report.

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

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

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

43  
44 An individual is not required to submit a report of sexual harassment involving the Title IX  
45 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged



1 harassment, the individual may report the allegations to the building principal or superintendent  
2 or other unbiased school official.

3 3225

4 Page 2 of 3

5  
6 Retaliation Prohibited  
7

8 The District prohibits intimidation, threats, coercion or discrimination against any individual for  
9 the purpose of interfering with any right or privilege secured by Title IX or this policy, or  
10 because the individual has made a report or complaint, testified, assisted, or participated or  
11 refused to participate in any manner in an investigation proceeding or hearing, if applicable.  
12 Intimidation, threats, coercion, or discrimination, including charges against an individual for  
13 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise  
14 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report  
15 or formal complaint of sexual harassment, for the purpose of interfering with any right or  
16 privilege secured by Title IX or this part, constitutes retaliation.  
17

18 Confidentiality  
19

20 The District must keep confidential the identity of any individual who has made a report or  
21 complaint of sex discrimination, including any individual who has made a report or filed a  
22 formal complaint of sexual harassment, any individual who has been alleged to be the victim or  
23 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may  
24 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or  
25 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,  
26 hearing or judicial proceeding arising thereunder.  
27

28 Notice Requirements  
29

30 The District provides notice to applicants for admission and employment, students, parents or  
31 legal guardians of elementary and secondary school students, employees and the union(s) with  
32 the name or title, office address, email address and telephone number of the Title IX Coordinator  
33 and notice of the District grievance procedures and process, including how to report or file a  
34 complaint of sex discrimination, how to file a formal complaint of sexual harassment and how  
35 the District will respond. The District also posts the Title IX Coordinator's contact information  
36 and Title IX policies and procedures in a prominent location on the District website and in all  
37 handbooks made available by the District.  
38

39 Training Requirements  
40

41 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
42 who facilitates an informal resolution process, receives training on the definition of sexual  
43 harassment, the scope of the District's education program or activity, how to conduct an  
44 investigation and grievance process including hearings, appeals and informal resolution  
45 processes, when applicable, and how to serve impartially including by avoiding prejudgment of  
46 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers

1 and investigators receive training on issues of relevance of questions and evidence, including  
2 when questions and evidence about the complainant’s sexual predisposition or prior sexual  
3  
4

8 behavior are not relevant as set forth in the formal procedures that follow, and training on any  
9 technology to be used at a live hearing, if applicable. Investigators also receive training on  
10 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All  
11 materials used to train individuals who receive training under this section must not rely on sex  
12 stereotypes and must promote impartial investigations and adjudications of formal complaints of  
13 sexual harassment and are made publicly available on the District’s website.  
14

15 Conflict of Interest and Bias

16  
17 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
18 who facilitates an informal resolution process do not have a conflict of interest or bias for or  
19 against complainants or respondents generally or an individual complainant or respondent.  
20

21 Determination of Responsibility

22  
23 The individual who has been reported to be the perpetrator of conduct that could constitute  
24 sexual harassment is presumed not responsible for alleged conduct. A determination regarding  
25 responsibility will be made by the decision-maker at the conclusion of the investigation in  
26 accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed  
27 unless and until a final determination of responsibility is reached.  
28

29 Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity  
30 Policy 3225P – Sexual Harassment Procedures  
31  
32

33 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
34 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
35 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
36 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
37 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
38 34 CFR Part 106 Nondiscrimination on the basis of sex in  
39 education programs or activities receiving  
40 Federal financial assistance  
41 10.55.701(1)(f), ARM Board of Trustees  
42 10.55.719, ARM Student Protection Procedures  
43 10.55.801(1)(a), ARM School Climate  
44

45 Policy History:

46 Adopted on: 11/10/20

- 1 Reviewed on:
- 2 Revised on:

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3225F

STUDENTS

**Harassment Reporting Form for Students**

School \_\_\_\_\_ Date \_\_\_\_\_

Student's name \_\_\_\_\_  
*(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)*

a) Who was responsible for the harassment or incident(s)? \_\_\_\_\_

b) Describe the incident(s). \_\_\_\_\_

c) Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

d) Were other individuals involved in the incident(s)?  yes  no  
If so, name the individual(s) and explain their roles. \_\_\_\_\_

e) Did anyone witness the incident(s)?  yes  no  
If so, name the witnesses. \_\_\_\_\_

f) Did you take any action in response to the incident?  yes  no  
If yes, what action did you take? \_\_\_\_\_

d) Were there any prior incidents?  yes  no  
If so, describe any prior incidents. \_\_\_\_\_

Signature of complainant \_\_\_\_\_

Signatures of parents/legal guardians \_\_\_\_\_

2  
3 **STUDENTS**

4  
5 Bullying/Harassment/Intimidation/Hazing

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

10  
11 Definitions

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

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

Cross Reference:       3225   Sexual Harassment  
                               3225   Sexual Harassment Grievance Procedure  
                               3225F  Harassment Reporting/Intake Form for Students

Legal Reference:       § 20-5-207, MCA       “Bully-Free Montana Act”  
                               § 20-5-208, MCA       Definition  
                               § 20-50-209, MCA      Bullying of student prohibited

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§ 20-5-210, MCA      Enforcement – exhaustion of administrative remedies  
§ 45-2-307, MCA      Discrimination in Education  
Title 20, Chapter 1, Part 2, MCA      Certain district policies prohibited  
10.55.701(2)(f), ARM      Board of Trustees  
10.55.719, ARM      Student Protection Procedures  
10.55.801(1)(d), ARM      School Climate  
Chapter 256 (2023)      Discrimination in Education

Policy History:

Adopted on:  
12/12/23  
Reviewed on:  
Revised on:

1 **Clinton School District**

2  
3 **STUDENTS**

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page 1 of 2

4  
5 Searches and Seizure

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

15 The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified  
16 at its inception, and (2) reasonably related in scope to the circumstances which justified the  
17 interference in the first place.  
18

19 School authorities are authorized to utilize any reasonable means of conducting searches,  
20 including but not limited to the following:  
21

- 22 1. A “pat down” of the exterior of the student’s clothing;
- 23 2. A search of the student’s clothing, including pockets;
- 24 3. A search of any container or object used by, belonging to, or otherwise in the possession  
25 or control of a student; and/or
- 26 4. Devices or tools identified in school district policy or the student handbook or deemed  
27 necessary by the Superintendent or designee.  
28

29 The “pat down” or “search” of a student, if conducted, will be conducted by a school official or  
30 employee of the same gender as the student being searched.  
31

32 School Property and Equipment and Personal Effects of Students

33  
34 School authorities may inspect and search school property and equipment owned or controlled  
35 by the District (such as lockers, desks, and parking lots).  
36

37 The Superintendent may request the assistance of law enforcement officials, including their use  
38 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and  
39 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous  
40 substances or material.  
41

42 Students

43  
44 School officials may search any individual student, his/her property, or District property under  
45 his/her control, when there is a reasonable suspicion that the search will uncover evidence that  
46 he/she is violating the law, Board policy, administrative regulation, or other rules of the District



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4 or the school. Reasonable suspicion shall be based on specific and objective facts that the search  
5 will produce evidence related to the alleged violation. The types of student property that may be  
6 searched by school officials include but are not limited to lockers, desks, purses, backpacks,  
7 student vehicles parked on District property, cellular phones, or other electronic communication  
8 devices.

9  
10 Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles  
11 on school property. While on school property, vehicles may be inspected at any time by staff, or  
12 by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs,  
13 drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug  
14 paraphernalia, or weapons are present, including by alert-trained dogs, the student's vehicle will  
15 be searched, and the student expressly consents to such a search.

16  
17 Also, by parking in the school parking lots, the student consents to having his/her vehicle  
18 searched if the school authorities have any other reasonable suspicion to believe that a violation  
19 of school rules or policy has occurred.

20  
21 Seizure of Property

22  
23 When a search produces evidence that a student has violated or is violating either a law or  
24 District policies or rules, such evidence may be seized and impounded by school authorities and  
25 disciplinary action may be taken. As appropriate, such evidence may be transferred to law  
26 enforcement authorities.

27  
28  
29  
30 Legal Reference: *Safford Unified School Dist. No. 1 v. Redding*, 557 U.S. 364, 129 S.Ct.  
31 2633 (2009)  
32 *Terry v. Ohio*, 392 U.S. 1, 20 (1968)  
33 *B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260  
34

35 Policy History:

36 Adopted on: January 11, 2022  
37 Reviewed on: January 11, 2022  
38 Revised on: January 6, 2022

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3231P

STUDENTS

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Searches and Seizure

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

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on school premises, as further provided in this procedure.
2. If the authorized administrator has reasonable suspicion to believe that any locker 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 locker, or container and to seize any such item or substance of any kind on school premises without notice or consent.
3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
4. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.
5. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

1 **Clinton School District**

2  
3 **STUDENTS**

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4  
5 Student Use of Buildings: Equal Access

6  
7 Non-curricular groups of students not previously recognized as curricular student organization  
8 under Policy 3510 or 3550 may gather on school premises under the following guidelines  
9 without restriction on the basis of the religious, political, philosophical, or other content of the  
10 meeting. Students wishing to form curricular groups or organizations recognized by the school  
11 administration may do so in accordance with policy 3510 or 3550.

12  
13 This policy shall be made available to all interested individuals upon request and posted on the  
14 District’s website. Parents and families shall be provided information about the nature and  
15 purpose of student clubs and groups meeting at the school and methods to consent to  
16 participation or opt out of participation consistent with parent/family rights.

17  
18 The following guidelines must be met:

- 19  
20 1. The meeting is voluntary and student-initiated.  
21  
22 2. There is no sponsorship of the meeting by the school district, or its agents or employees.  
23  
24 3. The meeting must occur during non-instructional time on regular school days.  
25  
26 4. Employees or agents of the school district are present only in a capacity outside of their  
27 official duties.  
28  
29 5. The meeting does not materially and substantially interfere with the orderly conduct of  
30 educational activities within the school.  
31  
32 6. Non-school persons may not direct, conduct, control, or regularly attend activities.

33  
34 Although the school assumes no sponsorship of these kinds of meetings, all meetings held on  
35 school premises must be scheduled and approved by the principal.

36  
37 This policy pertains to student meetings. The school has the authority, through its agent or  
38 employees, to maintain order and discipline on school premises and to protect the well-being of  
39 students and faculty.

40  
41 Cross Reference: Policy 3510 School Sponsored Activities  
42 Policy 3222 – Distribution and Posting Materials  
43 Policy 4331 – Use of School Property for Posting Notices  
44 Policy 2158 – Family Engagement and Involvement in Education  
45 Policy 2132- Family Educational and Privacy Rights  
46

1 Legal Reference: Section 40-6-701, MCA Fundamental Parental Rights  
2 20 U.S.C. 4071 Equal Access Act  
3 *Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)  
4 Title 20, chapter 3, part 3 – Board of Trustees  
5 Chapter 693 (2023) Parental Rights  
6  
7

8 Policy History:  
9 Adopted on: 9/12/23  
10 Reviewed on:  
11 Revised on:

## Clinton School District

### STUDENTS

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#### Video Surveillance

The Board recognizes the need to provide a safe learning environment for students and staff and to protect District property and equipment. Therefore, video surveillance cameras may be used as a security measure on any District property.

Video cameras will also be used to ensure that students' behavior on school property is consistent with the established safety and conduct rules. If unacceptable behavior is recorded, timely and appropriate corrective action will occur. The Superintendent is responsible for the implementation of safety and security measures at each building and the proper use of video surveillance monitoring systems. No staff member may use video surveillance in a classroom without permission of the parent.

Signs shall be posted at various locations to inform students, staff and the public that video surveillance cameras are in use. The video surveillance will not include audio recordings unless specific notice is given as required by law.

Cross Reference:	3600	Student Records
Legal Reference:	§ 40-6-701, MCA	Interference with fundamental rights of parents restricted ( <i>revised by House Bill 676</i> )

#### Policy History:

Adopted on: 1/11/23

Reviewed on:

Revised on: 9/12/23

# Clinton Elementary

Adopted on: 11/13/07

Reviewed on:

3300 - R

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Revised on: 09/10/13, 02/10/15, 02/10/16

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## Suspension and Expulsion - Corrective Actions and Punishment

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

### Suspension

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for an initial period not exceed ten (10) school days. An administrator/dean of students may order suspension of a student.

The procedure set forth below will be followed when a proposed punishment of a student is to include denial of the right of school attendance from any single class or from a full schedule of classes for at least one (1) day.

Before any suspension is ordered, a building administrator/dean of students will meet with a student to explain charges of misconduct, and the student will be given an opportunity to respond to the charges.

When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of disruption to the educational process, a pre-suspension conference will not be required, and an administrator/dean of students may suspend a student immediately. In such cases, a building administrator/dean of students will provide notice of and schedule a conference as soon as practicable following the suspension.

A building administrator/dean of students will report any suspension immediately to a student’s parent or legal guardian. An administrator/dean of students will provide a written report of suspension that states reasons for a suspension, including any school rule that was violated, and a notice to a parent or guardian of the right to a review of a suspension. An administrator/dean of students will send a copy of the report and notice to the Superintendent.

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate.

Upon a finding by a school administrator/dean of students 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/dean of students prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act.

Students who are suspended from any class or from school entirely have the right to make up any work missed according to the student handbook.

### Expulsion

- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

1  
2  
3  
4 The Board, and only the Board, may expel a student from school and may do so only after following due  
5 process procedures set forth below.  
6

7 The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a  
8 recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school  
9 days before the date of the scheduled hearing. The notice will include time and place of hearing,  
10 information describing the process to be used to conduct the hearing, and notice that the Board intends to  
11 conduct the hearing in closed session unless a parent or legal guardian waives the student's right to privacy.  
12

13 Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to  
14 consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good  
15 cause to the Superintendent at least two (2) school days before a hearing date as originally scheduled. The  
16 Superintendent will determine if a request shows good cause to reschedule a hearing.  
17

18 At hearing the student may be represented by counsel, present witnesses and other evidence, and cross-  
19 examine witnesses. The Board is not bound by formal rules of evidence in conducting the hearing.  
20

21 Each school shall maintain a record of any disciplinary action that is educationally related, with  
22 explanation, taken against the student. When the Board of Trustees takes disciplinary action against a  
23 student, the Board must keep a written record of the action taken, with detailed explanation, even if the  
24 disciplinary action is decided during a closed session. A disciplinary action that is educationally related is  
25 an action that results in the expulsion or out-of-school suspension of the student. This record must be  
26 maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to  
27 transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.  
28

#### 29 Procedures for Suspension and Expulsion of Students With Disabilities

30

31 The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) and  
32 Rehabilitation Act when disciplining students. The Board will not expel any special education student when  
33 the student's particular act of gross disobedience or misconduct is a manifestation of the student's  
34 disability. The Board may expel pursuant to its expulsion procedures any special education student whose  
35 gross disobedience or misconduct is not a manifestation of the student's disability. A disabled student will  
36 continue to receive education services as provided in the IDEA or Rehabilitation Act during a period of  
37 expulsion.  
38

39 A building administrator may suspend a child with a disability from the child's current placement for not  
40 more than ten (10) consecutive school days for any violation of school rules, and additional removals of not  
41 more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as  
42 long as those removals do not constitute a change of placement under 34 CFR 300.519(b), whether or not a  
43 student's gross disobedience or misconduct is a manifestation of a student's disabling condition. Any  
44 special education student who has exceeded or who will exceed ten (10) days of suspension may  
45 temporarily be excluded from school by court order or by order of a hearing officer, if the District  
46 demonstrates that maintaining the student in the student's current placement is substantially likely to result  
47 in injury to the student or to others. After a child with a disability has been removed from his or her  
48 placement for more than ten (10) school days in the same school year, during any subsequent days of  
49 removal the public agency must provide services to the extent required under 34 CFR 300.121(d).  
50

51 An administrator may remove from current placement any special education student who has carried a  
52 weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or  
53 solicits the sale of a controlled substance while at school or a school function. The District will place  
54

such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	34 CFR 300.519-521	Procedural Safeguards
	§ 20-1-213, MCA	Transfer of School Records
	§ 20-4-302, MCA	Discipline and punishment of pupils –definition of corporal punishment – penalty – defense
	§ 20-4-402, MCA	Duties of district superintendent or county high
	§ 20-5-105, MCA	Attendance officer – powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-201, MCA	Duties and sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	ARM 10.16.3346	Aversive Treatment Procedures
	ARM 10.55.910	Student Discipline Records
	<i>Goss v. Lopez</i> , 419 US 565 (1975)	
	Section 504 IDEA	



1 **Clinton School District**

2  
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4  
5 Use of Restraint, Seclusion, and Aversive Techniques for Students

6  
7 Conduct of Employees Directed Toward Students

8  
9 The use by appropriately trained District personnel towards or directed at any student of any  
10 form of restraint or seclusion as defined in this policy, is prohibited except in circumstances  
11 where proportional restraint or seclusion of a student is necessary when a student's conduct  
12 creates a reasonable belief in the perspective of a District employee, that the conduct of the  
13 student has placed the student, the employee, or any other individual in imminent danger of  
14 serious bodily harm.

15  
16 The employee or any employee who is a witness to this event shall immediately seek out the  
17 assistance of the school's administration or, if such administrator is not available, a certified or  
18 classified employee with special training in seclusion and restraint, if available. Upon the arrival  
19 of such individual, the administrator or if no administrator is available, the most senior trained  
20 individual on seclusion or restraint shall take control over the situation. The most senior trained  
21 individual shall direct another available staff member to notify the student's parent or guardian  
22 of the situation consistent with Policy 3413.

23  
24 Seclusion or restraint of a student shall immediately be terminated when it is decided that the  
25 student is no longer an immediate danger to him or herself or to any other third person or if it is  
26 determined that the student is exhibiting extreme distress or at such time that appropriate  
27 administrative personnel have taken custody of the child or upon such time that the parent/legal  
28 guardian of the child has retaken custody of the child.

29  
30 Regardless of employee training status, no District personnel shall use any form of aversive  
31 technique or corporal punishment against any student. All seclusion will be in compliance with a  
32 student's IEP or Section 504 Plan.

33  
34 If a situation occurs where a properly trained District employee must use acts of restraint or  
35 seclusion against a school student, the following shall occur:

- 36  
37 1. The employee shall immediately report to their building principal, in writing, the  
38 following information:  
39 A. The date the event occurred;  
40 B. The circumstances leading to the event;  
41 C. The student involved; and  
42 D. Other witnesses or participants to the event.  
43  
44 2. The building principal shall notify the Superintendent's office of the event, providing the  
45 Superintendent's office with a copy of the report of events.  
46

- 1 3. The building principal shall ascertain if any of the school's video equipment captured the  
2 event on a recording. If such event was captured on recording, the principal shall take all  
3 best efforts to maintain a copy of the recording and provide such to the Superintendent's  
4 Office for the Superintendent's official records of the event.  
5
- 6 4. The Superintendent or designee shall ascertain the special needs status of the student  
7 involved in the seclusion or restraint and shall ascertain and maintain documentation as to  
8 whether or not such events were consistent with or contraindicated due to the student's  
9 psychiatric, medical, or physical condition(s). Parental consent is required prior to any  
10 psychiatric, medical, or physical examination or services.  
11
- 12 5. The Superintendent or designee of the Superintendent shall notify the parent or legal  
13 guardian of the subject student of the situation and the event of restraint or seclusion via  
14 telephone and provide the parent/legal guardian with the name and telephone contact  
15 information of the building principal where the parent may obtain additional information  
16 regarding the event.  
17
- 18 6. The Superintendent or designee of the Superintendent shall provide the parent/legal  
19 guardian of the student with written notice of the event of restraint or seclusion of their  
20 student.  
21
- 22 7. The Superintendent's office shall maintain documentation as to events of restraint and  
23 seclusion and shall prepare any and all necessary reports to legal entities upon whom  
24 such reports are or may become due pursuant to State and federal regulations.  
25

#### 26 Training of School Personnel

27  
28 As part of the training and preparation of each certified administrator, certified teacher, and in-  
29 building classified employee of the District, the following shall occur:  
30

- 31 1. Training to personnel as to proper situations and events leading to student seclusion and  
32 intervention, including possible preventative alternatives to seclusion and restraint, safe  
33 physical escort, de-escalation of student crisis situations, and positive behavioral  
34 intervention techniques and supports;  
35
- 36 2. Training of personnel in crisis/conflict management and emergency situations which may  
37 occur in the school setting, including examples and demonstrations of proper activities  
38 and techniques and trainers observing employee use of proper activities and techniques in  
39 the training setting;  
40
- 41 3. Techniques to utilize to limit the possibility of injury to the student, the employee and  
42 any other third party in the area;  
43
- 44 4. Information as to the school's student seclusion areas in each respective school building  
45 to which the employee is assigned; and  
46

1 5. Provision of the employee with a copy of this policy.

2  
3 Employees authorized to engage in seclusion and restraint will also be trained in CPR and basic  
4 first aid.

5  
6 It is a goal that all new employees are trained in the area of student restraint and seclusion during  
7 their first week of employment. However, this may not be possible due to realities of the  
8 operation of a school district. If an employee has not yet undergone training and a situation  
9 necessitating student restraint or seclusion occurs, and another properly trained employee of the  
10 District is present at the event, the properly trained employee shall take the lead in addressing the  
11 student crisis.

12  
13 Designated Locations

14  
15 Each school building for which students are present must have a building designated location for  
16 student seclusion. It is the responsibility of the building’s principal, or designee of the principal,  
17 to assure that the building’s designated seclusion location is a safe and clean location and that  
18 such location has appropriate supervision when any student has been placed into seclusion  
19 pursuant to this policy. All seclusion will be in compliance with a student’s IEP or Section 504  
20 Plan. Appropriate supervision shall include an adult in the seclusion location which has  
21 continuous visual observation of the secluded student.

22  
23 Definitions

24  
25 For the purposes of this policy, the following definitions shall apply:

26  
27 **Restraint:** The immobilization or reduction of a student’s freedom of movement for the purpose  
28 of preventing harm to students or others through chemical, manual method, physical, or  
29 mechanical device, material, or equipment.

30  
31 **Seclusion:** Involuntary confinement in a room or other space during which a student is prevented  
32 from leaving or reasonably believes that the he or she can leave or be prevented from leaving  
33 through manually, mechanically, or electronically locked doors that, when closed, cannot be  
34 opened from the inside; blocking or other physical interference by staff; or coercive measures,  
35 such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise  
36 have, used for the purpose of keeping the student from leaving the area of seclusion.

37  
38 **Aversive Technique:** Physical, emotional, or mental distress as a method of redirecting or  
39 controlling behavior including by not limited to corporal punishment.

41	Cross Reference:	Policy 2158	Parental and Family Engagement
42		Policy 3431	Emergency Treatment
43		Policy 3310P	Risk Assessments
44		Policy 3410	Student Health

45			
46	Legal Reference:	37.111.825 ARM	Health Supervision and Maintenance
47		§ 40-6-701, MCA	Parental Rights



STUDENTS

Student Discipline

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

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

1. Using, possessing, distributing, purchasing or selling tobacco products, vapor products, alternative nicotine products, or marijuana products (tobacco includes but is not limited to cigarettes, e-cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco or any other tobacco or nicotine innovation) (marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping);
2. 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.
3. Using, possessing, distributing, purchasing or selling illegal drugs or controlled substances (includes medical marijuana), look-alike drugs, drug paraphernalia and any such substances that contain chemicals which produce the same effect of illegal substances. 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;
4. Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a Weapon in a School Building” section of this policy.
5. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
6. Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
7. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct, including gang or gang activity, except when physical force is determined to be reasonable and necessary and used as self-defense or the defense of another person after an investigation into such conduct.
8. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
9. Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
10. Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.

11. Hazing or bullying.
12. 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.
13. Gambling for money.

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

- On, or within sight of, school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function.

#### *Disciplinary Measures*

Disciplinary measures include but are not limited to:

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

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

#### *Gun-Free Schools*

The Board will expel any student who uses, possesses, controls or transfers a firearm for a definite period of time of at least one (1) calendar year. The Board authorizes the Superintendent, upon written notification to the Board Chair, to modify the discipline on a case-by-case basis, including eliminating the requirement for expulsion. The administrator may immediately suspend a student if, prior to a hearing, there is cause to believe the student brought a firearm to school or possessed a firearm at school. The student may not be expelled unless the trustees find that the student knowingly brought a firearm to school or possessed a firearm at school. A building administrator will notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

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

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

For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities; “weapon” means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, brass or metal knuckles, or any other article or instrument possessed with the purpose to commit a criminal offense.

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

This policy does not apply to law enforcement officers acting in their official capacity.

#### Legal References:

§ 16-11-302, MCA	Definitions
§ 20-1-220, MCA	Use of tobacco products in public school building or on public school property prohibited ( <i>revised by House Bill 128</i> )
§ 20-4-302, MCA	Discipline and punishment of pupils
§ 20-5-201, MCA	Duties and sanctions ( <i>revised by House Bill 450</i> )
§ 20-5-202, MCA	Suspension and Expulsion
§ 20-5-209, MCA	Bullying of student prohibited-self-defense authorized ( <i>revised by House Bill 450</i> )
§ 45-8-361, MCA	Possession of a weapon in school building
§ 45-8-317, MCA	Exceptions
§§ 50-46-301 <i>et seq.</i> , MCA	Montana Marijuana Act
20 USC §§ 7101 <i>et seq.</i>	Safe and Drug-Free Schools & Communities Act
20 USC § 7961	Gun-Free requirements
§ 1-1-204, MCA	Terms denoting state of mind
House Bill 361	Certain District Policies Prohibited

#### Cross References:

#### Policy History:

Adopted on 2/10/15

Revised on: 7/18/23

Discipline of Students with Disabilities

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

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student's placement for ten (10) consecutive school days or less.



School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. *Reg. 300.520(a)(1)(i).*



During the first (1<sup>st</sup>) ten (10) cumulative school days in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. *Reg. 300.121(d)(1).*



School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under *Reg. 300.519(b)* and are those which would be applied to non-disabled students. *Reg. 300.520(a)(1)(i).*



Beginning with the eleventh (11<sup>th</sup>) day of disciplinary removals in a school year, educational services must be provided. *Reg. 300.520(a)(1)(ii); Reg. 300.121(d)(2)(i)(A).* If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the services to be provided. *Reg. 300.121(d)(3)(i).*



A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. *Reg. 300.519(b).* If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. *Reg. 300.523(a).*

---

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(A).*

---



1  
2  
3  
4  
5 Beginning with the eleventh (11<sup>th</sup>) day of disciplinary removals in a  
6 school year, the IEP Team must address behavioral issues. If the  
7 removal does not result in a change of placement, the IEP Team  
8 must meet within ten (10) business days of first removing the  
9 student for more than ten (10) school days in a school year, to  
10 develop a plan to conduct a functional behavioral assessment, if one  
11 was not conducted before the behavior that resulted in the removal.  
*Reg. 300.520(b)(1)(i).*



12  
13  
14 After the functional behavioral assessment is completed, the IEP  
15 Team meets as soon as practicable to develop a behavioral  
16 intervention plan to address the behavior and implement the plan.  
17 *Reg. 300.520(b)(2).*

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



18  
19  
20 If the student is assigned subsequent disciplinary removals in a  
21 school year for ten (10) days or less that do not result in a change of  
22 placement, the IEP Team members (including the parent)  
23 informally review the behavior intervention plan and its  
24 implementation to determine if modifications are necessary. *Reg.*  
*300.520(c)(2).*



25  
26  
27 If one or more team members believe modifications are needed, the  
28 IEP Team must meet to modify the plan and its implementation to  
29 the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*

30  
31  
32 **Code of Conduct Violations by Students With Disabilities for Which Recommended**  
33 **Disciplinary Consequences Would Result in Change of Placement for More**  
34 **Than Ten (10) School Days (Excluding Drug and Weapon Offenses)**  
35  
36

37  
38 Student violates code of conduct, and the  
39 recommended disciplinary consequence would  
40 result in a removal from the current educational  
41 placement for more than ten (10) consecutive  
42 school days (alternate placement, expulsion).  
This constitutes a change of placement. *Reg.*  
*300.519(a).*



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

1  
2  
3  
4  
5 School personnel may remove from current educational placement  
6 for ten (10) school days or less (*Reg. 300.520(a)(1)(i)*) and  
7 recommend further discipline according to the code of conduct.  
8 (The ten-(10)-day-or-less alternative must be one equally applicable  
9 to non-disabled. See pp. 1-2 for educational services to be provided  
10 during a short removal.) If a criminal act has been committed,  
11 charges may be filed, and law enforcement authorities to whom the  
12 crime was reported must be provided special education and  
13 disciplinary records to the extent disclosure is permitted by FERPA.  
14 *Sec. 1415(k)(9). Reg. 300.529.*

15 At the time the decision is made to take this action, school  
16 personnel must notify parent of decision and provide procedural  
17 safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg.*  
18 *300.523(a)(1).*



19 Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship  
20 between disability and the behavior subject to disciplinary action (manifestation determination review – MDR).  
21 *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b).* If there has been no previous functional behavioral assessment and  
22 creation of a behavior intervention plan, the IEP Team must develop an assessment plan. *Reg. 300.520(b)(1)(i).*  
23 As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the  
24 behavior intervention plan. *Reg. 300.520(b)(2).* If the IEP contains a behavior intervention plan, the IEP Team  
25 reviews the plan and its implementation and modifies them as necessary to address the behavior. *Reg.*  
26 *300.520(b)(1)(ii).*

27 For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as  
28 evaluation and diagnostic results, including such results and other relevant information from the parent,  
29 observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the  
30 disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:  
31

- 32 • The IEP and placement were appropriate;
- 33 • Consistent with the content of the student’s IEP and placement, special education services, supplementary  
34 aids, and behavior intervention strategies were actually provided;
- 35 • The disability did not impair the ability of the student to understand the impact and consequences of the  
36 misbehavior; and
- 37 • The disability did not impair the ability of the student to control the misbehavior.

*Sec. 1415(k)(4)(C); Reg. 300.523(c).*

38  
39 If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the  
40 disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identified deficiencies in IEP,  
41 placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*



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If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A); Reg. 300.121(a); Reg. 300.524(a)*. The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b)*.

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a), (b)*.  
Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in *Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2)*.  
When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a)*. Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c)*. The hearing officer applies the standards in *Reg. 300.121. Reg. 300.526(c)*. Hearing officer can order another placement for up to forty-five (45) days. *Reg. 300.526(c)(3)*. This procedure may be repeated as necessary. *Sec. 1415(k)(7); Reg. 300.526(c)(4)*.

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

### Drug and Weapon Offenses by Students With Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.



Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. *Sec. 1415(k)(10)(B); Reg. 300.520(d)(2)*.  
Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. *Sec. 1415(k)(10)(A); Reg. 300.520(d)(1)*.  
Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3)*.

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4 School personnel may remove from current educational placement  
5 for ten (10) school days or less, and recommend further discipline  
6 according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg.*  
7 *300.520(a)(1)(i)*. (The ten-(10)-day-or-less alternative must be one  
8 equally applicable to non-disabled students. See pp. 1-2 for  
9 education services to be provided during a short removal.) If a  
10 criminal act has been committed, charges may be filed, and special  
11 education and disciplinary records will be transmitted to law  
12 enforcement authorities to whom the crime was reported, to the  
13 extent disclosure is permitted by FERPA. *Sec. 1415(k)(9); Reg.*  
14 *300.529*.

15  
16 At time decision is made to take this disciplinary action, school  
17 personnel must notify parent of decision and provide procedural  
18 safeguards notice in *Reg. 300.504*. *Sec. 1415(k)(4)(A)(i); Reg.*  
19 *300.523(a)(1)*.



23 Within ten (10) business days, IEP Team must meet and may  
24 extend the removal by placing student in appropriate interim  
25 alternative educational setting applicable to non-disabled student  
26 for same amount of time non-disabled student would be assigned,  
27 but not more than forty-five (45) calendar days. *Sec. 1415*  
28 *(k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a)*. IEP  
29 Team must review the behavior intervention plan, if one exists, and  
30 its implementation and modify, as necessary, to address behavior.  
31 *Reg. 300.520(b)(1)(ii)*. If there has been no previous functional  
32 behavioral assessment and creation of behavior intervention plan,  
33 IEP Team must develop assessment plan. *Sec. 1415(k)(1)(B); Reg.*  
34 *300.520(b)(1)(i)*. As soon as practicable after the assessment, the  
35 IEP Team must meet again to develop and implement the behavior  
36 intervention plan. *Reg. 300.520(b)(2)*. The IEP Team and other  
37 qualified personnel must review the relationship between disability  
38 and the behavior subject to disciplinary action (manifestation  
39 determination review-MDR). *Sec. 1415(k)(4)(A); Reg. 300.523*  
40 *(a)(2)(b)*.

The forty-five-(45)-day alternative interim placement must:

- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. *Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121(d)(2)(ii)*.

---  
Comments to regulations:  
Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

*Sec. 1415(k)(4)(C); Reg. 300.523(c).*

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d)*. If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f)*.

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a)*. The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b)*.

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

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. *Sec. 1415(k)(6)(A); Reg. 300.525(a)(2)*.

During appeals, stay put applies. *Reg. 300.524(c)*. If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are

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

### Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student's placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. *Reg. 300.524.*



School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*



Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
  - Enables the student to participate in the general curriculum, although in another setting;
  - Enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
  - Include services and modification designed to address the behavior so that it does not recur.

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

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

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



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5 Student returns to his or her current placement (the placement prior  
6 to the interim alternative educational setting) at end of forty-five  
7 (45) days, if no decision has been issued by hearing officer in  
8 pending due-process hearing. If school believes it would be  
9 dangerous for student to return to current placement while hearing  
10 is still pending, school may request another expedited hearing to  
11 again place student in forty-five-(45)-day interim placement while  
12 hearing continues to be pending. *Reg. 300.526(b), (c)(4)*. Hearing  
13 officer holds same type of hearing initially held when hearing  
14 officer ordered first forty-five-(45)-day interim placement. *Sec.*  
15 *1415(k)(7); Reg. 300.526*. Any subsequent forty-five-(45)-day  
16 interim setting must meet the standards in *Reg. 300.522*.  
17  
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19

# Clinton Elementary

Adopted on:  
Reviewed on:

3311 - R

STUDENTS

Revised on: 09/10/13, 02/10/15

Page 1 of 3

## **FIREARMS AND WEAPONS**

### Firearms

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

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

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

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

### Possession of Weapons other than Firearms

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

No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles



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4 designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.)  
5 to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a  
6 weapon.

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

13  
14 For the purposes of this section only, “school building” means all buildings owned or leased by a  
15 local school district that are used for instruction or for student activities. (45-8-361 (5a))

16  
17 The Board may grant persons and entities advance permission to possess, carry, or store a weapon  
18 in a school building. All persons who wish to possess, carry, or store a weapon in a school  
19 building must request permission of the Board at a regular meeting. The Board has sole discretion  
20 in deciding whether to allow a person to possess, carry, or store a weapon in a school building.  
21 (45-8-361 (3b))

22  
23 This policy does not apply to law enforcement officers acting in his or her official capacity.  
24 (45-8-361 (3a))

25  
26 The trustees shall annually review this policy and update this policy as determined necessary by  
27 the trustees based on changing circumstances pertaining to school safety.

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

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

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

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on:

3312

STUDENTS

Revised on: 02/10/15

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Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. All grades will serve detentions during their noon recess/recess and parents/guardians will be contacted.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct which allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member.

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

Clinton Elementary

Adopted on: 05/14/02

Reviewed on:

Revised on: 02/10/15

3340

STUDENTS

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

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

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

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

Diminish chemical use by providing an education assistance program;

Promote a sense of self-discipline among students;

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

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

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

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

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

Clinton Elementary

Adopted on:  
Reviewed on:

3410

STUDENTS

Revised on: 08/09/05, 02/10/15

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Student Health/Physical Screenings/Examinations

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

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

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

In general the District will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when screening administered by the District is conducted as well as notification of requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy, which is:

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

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

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

Legal Reference:	§ 20-3-324(20), MCA	Powers and duties
	20 U.S.C. 1232h(b)	General Provisions Concerning Education

1 **Clinton School District**

2  
3 **STUDENTS**

3413

4  
5 Student Immunization

6  
7 The Board requires all students to present evidence of their having been immunized against the  
8 following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles  
9 (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by  
10 the department. Haemophilus influenza type “b” immunization is required for students under  
11 age five (5). Upon initial enrollment, an immunization status form shall be completed by the  
12 student’s parent or guardian. The certificate shall be made a part of the student’s permanent  
13 record.

14  
15 A student who transfers into the District may photocopy immunization records in the possession  
16 of the school of origin. The District will accept the photocopy as evidence of immunization.  
17 Within thirty (30) days after a transferring student ceases attendance at the school of origin, the  
18 school shall retain a certified copy for the permanent record and send the original immunization  
19 records for the student to the school district to which the student transfers.

20  
21 Exemptions from one or more vaccines shall be granted for medical reasons upon certification by  
22 a licensed or certified health care provider in a manner provided by Section 20-5-405, MCA.  
23 Exemptions for religious reasons must be filed in a manner provided by Section 20-5-405, MCA.  
24 The statement for an exemption shall be maintained as part of the student’s immunization record  
25 in accordance with FERPA as specified in Policy 3600P.

26  
27 All students who are enrolled under an exemption and have a disease listed in this Policy, have  
28 been exposed to a disease listed in this Policy, or may be exposed to a disease listed in this  
29 Policy while attending school may be excluded from the school by the local health officer or the  
30 DPHHS until the excluding authority is satisfied that the student no longer risks contracting or  
31 transmitting that disease.

32  
33 The administrator may allow the commencement of attendance in school by a student who has  
34 not been immunized against each disease listed in Section 20-5-403, MCA, if that student has  
35 received one or more doses of varicella, polio, measles (rubeola), mumps, rubella, diphtheria,  
36 pertussis, and tetanus vaccine, except that Haemophilus influenza type “b” vaccine is required  
37 only for children under 5 years of age.

38  
39 The District shall exclude a student for noncompliance with the immunization laws and properly  
40 notify the parent or guardian. The local health department may seek an injunction requiring the  
41 parent to submit an immunization status form, take action to fully immunize the student, or file  
42 an exemption for personal or medical reasons.

43  
44 This policy and related forms shall be made available to all interested individuals upon request  
45 and posted on the District’s website to provide parents and families opportunity to be informed  
46 about immunizations required and available exemptions under state law.

1  
2 This policy does not apply to or govern vaccinations against COVID-19. The Board does not  
3 require immunization against COVID-19 in order to enroll in the District in accordance with  
4 Montana law. District officials shall not inquire about the COVID-19 vaccination status of  
5 students, employees, or visitors. District officials shall not make decisions regarding access to  
6 District services for students, employees, or visitors based upon an individual's COVID-19  
7 vaccination status. Students enrolled in dual credit courses in accordance with District policies  
8 may be subject to distinct immunization requirements of the applicable post-secondary  
9 institution.

10

11	Legal Reference:	§ 20-3-324(20), MCA	Powers and duties
12		§ 20-5-402 - 426, MCA	Health
13		§ 20-5-403, MCA	Immunization required – release and 14 acceptance of immunization records
15		§ 20-5-405, MCA	Exemptions
16		Chapter 534 (2023)	Revise Immunization laws

17

18 Policy History:  
19 Adopted on: 10/11/05  
20 Reviewed on: 2/10/15  
21 Revised on: 8/15/23

# Religious Exemption Statement

Form HES 113  
Montana Schools



For questions, contact the Montana Immunization Program at (406) 444-5580

**Student's Full Name** **Birth Date** **Age** **Sex**

School: \_\_\_\_\_

If student is under 18, name of parent, guardian, or other person responsible for student's care and custody:

\_\_\_\_\_

Street address and city: \_\_\_\_\_

Telephone: \_\_\_\_\_

I, the undersigned, swear or affirm under oath that immunization against the following is contrary to my religious tenets and practices:

- |   |  |
|---|--|
| <input type="checkbox"/> <i>Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)</i> | <input type="checkbox"/> <i>Polio</i>                  |
| <input type="checkbox"/> <i>Measles, Mumps and Rubella (MMR)</i>                | <input type="checkbox"/> <i>Varicella (chickenpox)</i> |
| <input type="checkbox"/> <i>Haemophilus Influenzae type b (Hib)</i>             | <input type="checkbox"/> <i>Other: _____</i>           |

I also understand that:

Pursuant to section 20-5-405, MCA, in the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Clinton Elementary

Adopted on:

Reviewed on: 02/10/15

Revised on: 09/10/13

3415 - R

STUDENTS

Management of Sports Related Concussions

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

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

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

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

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

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

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

Management of Sports Related Concussions

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

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

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

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

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

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

**Student-Athlete & Parent/Legal Guardian Concussion Statement 3415F**

Because of the passage of the Dylan Steigers’ Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete’s parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: \_\_\_\_\_

*This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.*

Parent/Legal Guardian Name(s): \_\_\_\_\_

We have read the *Student-Athlete & Parent/Legal Guardian Concussion Information Sheet*.  
If true, please check box

After reading the information sheet, I am aware of the following information:

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

## A Fact Sheet for ATHLETES

### WHAT IS A CONCUSSION?

A concussion is a brain injury that:

- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven't been knocked out
- Can be serious even if you've just been "dinged"

### WHAT ARE THE SYMPTOMS OF A CONCUSSION?

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not "feel right"

### WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?

- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.

- **Get a medical checkup.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

### HOW CAN I PREVENT A CONCUSSION?

Every sport is different, but there are steps you can take to protect yourself.

- Follow your coach's rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:
  - > The right equipment for the game, position, or activity
  - > Worn correctly and fit well
  - > Used every time you play

**Remember, when in doubt, sit them out!**

# A Fact Sheet for PARENTS

## WHAT IS A CONCUSSION?

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

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

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

### Signs Observed by Parents or Guardians

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

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

### Symptoms Reported by Athlete

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems

- Confusion
- Does not “feel right”

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

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

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

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

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

**2. Keep your child out of play.** Concussions take time to heal. Don't let your child return to play until a health care professional says it's OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.

**3. Tell your child's coach about any recent concussion.** Coaches should know if your child had a recent concussion in ANY sport. Your child's coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

Remember, when in doubt, sit them out!  
It's better to miss one game than the whole season.

## Be Prepared

A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a blow to the body that causes the head to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be mild bump or blow to the head can be serious. Concussions can occur in any sport or recreation activity. So, all coaches, parents, and athletes need to learn concussion signs and symptoms and what to do if a concussion occurs.

### SIGNS AND SYMPTOMS OF A CONCUSSION

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

### LINKS TO OTHER RESOURCES

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

1 Clinton Elementary

2  
3 Adopted on:  
4 Reviewed on: 02/10/15  
5 Revised on: 09/10/13

6 3416

7 STUDENTS

8 Page 1 of 4

9 Administering Medicines to Students

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

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

- 16 • To assist in self-administration of any drug that may lawfully be sold over the counter
- 17 without a prescription to a student in compliance with the written instructions and with the
- 18 written consent of a student’s parent or guardian; and
- 19
- 20 • To assist in self-administration of a prescription drug to a student in compliance with written
- 21 instructions of a medical practitioner and with the written consent of a student’s parent or
- 22 guardian.
- 23
- 24
- 25

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

30  
31 Administering Medication

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

38  
39 Emergency Administration of Medication

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

45  
46 In the absence of a school nurse, an administrator or designated staff member exempt from the nurse  
47 license requirement under § 37-8-103(1)(c), MCA, who has completed training in administration of  
48 medication, may give emergency medication to students orally or by injection.

1  
2  
3  
4 The Board requires that there must be on record a medically diagnosed allergic condition that would  
5 require prompt treatment to protect a student from serious harm or death.  
6

7 A building administrator or school nurse will enter any medication to be administered in an  
8 emergency on an individual student medication record and will file it in a student's cumulative health  
9 folder.  
10

#### 11 Self-Administration of Medication

  
12

13 The District will permit students who are able to self-administer specific medication to do so  
14 provided that:  
15

- 16 • A physician or dentist provides a written order for self-administration of said medication;
- 17 • Written authorization for self-administration of medication from a student's parent, an  
18 individual who has executed a caretaker relative educational authorization affidavit, or  
19 guardian is on file; and
- 20 • A principal and appropriate teachers are informed that a student is self-administering  
21 prescribed medication.  
22

23 A building principal or school administrator may authorize, in writing, any employee to assist with  
24 self-administration of medications, provided that only the following may be employed:  
25

- 26 • Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for  
27 self-administering medications;
- 28 • Handing to a student a prefilled, labeled medication holder or a labeled unit dose container,  
29 syringe, or original marked and labeled container from a pharmacy;
- 30 • Opening the lid of a container for a student;
- 31 • Guiding the hand of a student to self-administer a medication;
- 32 • Holding and assisting a student in drinking fluid to assist in the swallowing of oral  
33 medications; and
- 34 • Assisting with removal of a medication from a container for a student with a physical  
35 disability that prevents independence in the act.  
36

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

  
38

39 Students with allergies or asthma may be authorized by the building principal or Superintendent, in  
40 consultation with medical personnel, to possess and self-administer emergency medication during the  
41 school day, during field trips, school-sponsored events, or while on a school bus. The student shall  
42 be authorized to possess and self-administer medication if the following conditions have been met:  
43

- 44 • A written and signed authorization from the parents, an individual who has executed a  
45 caretaker relative educational authorization affidavit, or guardians for self-administration of  
46 medication, acknowledging that the District or its employees are not liable for injury that  
47 results from the student self-administering the medication.  
48



- 1
- 2
- 3
- 4 • The student must have the prior written approval of his/her primary healthcare provider. The
- 5 written notice from the student's primary care provider must specify the name and purpose of
- 6 the medication, the prescribed dosage, frequency with which it may be administered, and the
- 7 circumstances that may warrant its use.
- 8
- 9 • Documentation that the student has demonstrated to the healthcare practitioner and the school
- 10 nurse, if available, the skill level necessary to use and administer the medication.
- 11 • Documentation of a doctor-formulated written treatment plan for managing asthma, severe
- 12 allergies, or anaphylaxis episodes of the student and for medication use by the student during
- 13 school hours.
- 14

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

17  
18 A student's authorization to possess and self-administer medication may be limited or revoked by the  
19 building principal or other administrative personnel.

20  
21 If provided by the parent, an individual who has executed a caretaker relative educational  
22 authorization affidavit, or guardian, and in accordance with documentation provided by the student's  
23 doctor, backup medication must be kept at a student's school in a predetermined location or locations  
24 to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

25  
26 Immediately after using epinephrine during school hours, a student shall report to the school nurse or  
27 other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.

### 28 29 Administration of Glucagons

30  
31 School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412,  
32 MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic  
33 student only in an emergency situation; (2) the employee has filed the necessary designation and  
34 acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the  
35 employee has filed the necessary written documentation of training with the District, as required by §  
36 20-5-412(4), MCA.

### 37 38 Handling and Storage of Medications

39  
40 The Board requires that all medications, including those approved for keeping by students for self-  
41 medication, be first delivered by a parent, an individual who has executed a caretaker relative  
42 educational authorization affidavit, or other responsible adult to a nurse or employee assisting with  
43 self-administration of medication. A nurse or assistant:

- 44
- 45 • Must examine any new medication to ensure it is properly labeled with dates, name of
- 46 student, medication name, dosage, and physician's name;
- 47 • Must develop a medication administration plan, if administration is necessary for a student,
- 48 before any medication is given by school personnel;

- Must record on the student’s individual medication record the date a medication is delivered and the amount of medication received;
- Must store medication requiring refrigeration at 36° to 46° F;
- Must store prescribed medicinal preparations in a securely locked storage compartment; and
- Must store controlled substances in a separate compartment, secured and locked at all times.

The District will permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

The District may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in 20-5-421, MCA.

#### Disposal of Medication

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

Legal Reference:	§ 20-5-412, MCA	Definition – parent-designated adult administration of glucagons – training
	§ 20-5-420, MCA	Self-administration or possession of asthma, severe allergy, or anaphylaxis medication
	§ 20-5-421, MCA	Emergency use of epinephrine in school setting
	§ 37-8-103(1)(c), MCA	Exemptions – limitations on authority conferred
	ARM 24.159.1604	Tasks Which May Be Routinely Assigned to an Unlicensed Person in Any Setting When a Nurse-Patient Relationship Exists

**Montana Authorization to Possess or Self-Administer  
Asthma, Severe Allergy, or Anaphylaxis Medication**

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by: 1) the prescribing physician/physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_  
Sex: (Please circle) Female/Male City/Town: \_\_\_\_\_  
Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ School Year: \_\_\_\_\_ (Must be renewed annually)

**Physician's Authorization:**

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) \_\_\_\_\_ Dosage: (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

Reason for prescription(s): \_\_\_\_\_

Medication(s) to be used under the following conditions (times or special circumstances): \_\_\_\_\_

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

\_\_\_\_\_  
Signature of Physician/PA/APRN Phone Number Date

**Authorization by Parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or Guardian**

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge that the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student, and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication: \_\_\_\_\_

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, Caretaker Relative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider) See, generally, Mont. Code Ann. § 20-5-420.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

3417

STUDENTS

Revised on:

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

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

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

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

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

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation will be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.

The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

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

1 **Clinton Elementary**

2  
3 **STUDENTS**

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4  
5 Head Lice

6  
7 The Board recognizes its responsibility to all students enrolled in the Clinton Elementary  
8 Schools to provide a safe and healthy environment in which they may attend school. One  
9 inhibitor to a healthy environment is the head louse (*Pediculus capitis*). Head lice infestations  
10 must be addressed in public schools if a healthy environment is to be maintained. Every attempt  
11 will be made to educate students and parents on the prevention and eradication of head lice  
12 before and after infestation is detected.

13  
14 The innocent desire of children to be social and the communicable nature of lice requires  
15 preventive measures by the school district and the public health agency to contain infestations.  
16 The Clinton Elementary School will work cooperatively with the public health agency to insure  
17 that infestations of head lice are contained and eradicated in the school.

18  
19 In the interest of health and welfare of students enrolled in Clinton Elementary, no student will  
20 be permitted to attend classes with the general population if they are infested with head lice.

21  
22 To avoid embarrassment and to contain the infestation, whole classrooms will be checked for  
23 head lice upon the report of possible infestation by a classroom teacher. The administrator,  
24 his/her designee, school nurse or another qualified professional will examine the child in  
25 question and their classmates. Siblings of students found with lice and their classmates will also  
26 be checked if there is suspicion that infestation may exist.

27  
28 The student found with head lice is to be kept out of school until he/she is treated and hair is free  
29 of lice and eggs. Although eggs (nits) cannot spread to other children, they may hatch in 2-3  
30 days and would immediately become communicable. A child may return to school after being  
31 successfully treated so that no live lice are present.

32  
33 Parents or guardians will be informed of lice infestation by a letter that explains the problem,  
34 lists the procedures for treatment and requirements for reentering school. Every attempt will be  
35 made to contact parents or guardians immediately upon discovery of head lice. Parents will be  
36 asked to come to school to pick up the student and begin treatment immediately.

37  
38  
39 Policy History:

40 Adopted on:

41 Reviewed on:

42 Revised on:

Clinton Elementary

Approved 2/10/15

Reviewed on:

3431

STUDENTS

Revised on: 03/12/19

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Emergency Treatment

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

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

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

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

Isolate the student from other children to a room or area segregated for that purpose;

Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child; and

Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

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

A person with a currently valid First Aid Card Certified shall be present for all field trips, athletic and other off-campus events.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3440

STUDENTS

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Removal of Student During School Day

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



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3440P

STUDENTS

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Removal of Student during School Day

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

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policy 4410.
  2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Family Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.
  3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
  4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
  5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else’s custody, unless an emergency situation justifies a waiver.
5. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 4410 Relations with the Law Enforcement and Child Protective

1 **Clinton School District**

2  
3 **STUDENTS**

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4  
5 School-Sponsored Student Activities

6  
7 This policy shall be made available to all interested individuals upon request and posted on the  
8 District’s website. Parents and families shall be provided information about the nature and  
9 purpose of student clubs and groups meeting at the school and methods to consent to  
10 participation or opt out of participation consistent with parent/family rights.

11  
12 1. Student Organizations:

- 13  
14 a. All curricular student clubs or organizations must be approved by the  
15 administration. Secret or clandestine organizations or groups will not be  
16 permitted.  
17 b. Bylaws and rules of curricular student clubs or organizations must not be contrary  
18 to Board policy or to administrative rules and regulations.  
19 c. Procedures in curricular student clubs or organizations must follow generally  
20 accepted democratic practices in the acceptance of members and nomination and  
21 election of officers.  
22 d. Student led and initiated non-curricular student groups may meet at school in  
23 accordance with District Policy without the sponsorship of the School District.

24  
25 2. Social Events

- 26  
27 a. Social events must have prior approval of the administration.  
28 b. Social events must be held in school facilities unless approved by the Board.  
29 c. Social events must be chaperoned at all times.  
30 d. Attendance at high school social events and dances shall be limited to high school  
31 students, and middle school social events shall be limited to middle school  
32 students, unless prior permission is received from the principal.

33  
34 3. Extracurricular Activities

- 35  
36 a. Academic and behavior eligibility rules are established by MHSAA rules and  
37 District policy.  
1 b. Any student convicted of a criminal offense may, at the discretion of school  
2 officials, become ineligible for such a period of time as the school officials may  
3 decide.  
4 c. In establishing an interscholastic program, the Board directs the administration to:  
5 i. Open all sports to all students enrolled in the District, with an equal  
6 opportunity for participation.  
7 ii. Open all sports to residents of the school district and who is at least 5  
8 years of age and not more than 19 on or before September 10 of the year  
9 in which participation in extracurricular activities is sought by such child  
10 in accordance with the provisions of this policy.  
11 iii. Recommend sports activities based on interest inventories completed by

12 the students.

13  
14 4. Participation in District Extracurricular Activities by Unenrolled Children

- 15  
16 a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home  
17 school meeting the requirements of section 20-5-109:
- 18 i. Is eligible to seek to participate in any extracurricular activity of the District that  
19 is offered to pupils of the district who are of the same age.
  - 20 ii. Is subject to the same standards for participation as those required of full-time  
21 pupils enrolled in the school and the same rules of any interscholastic  
22 organization of which the school of participation is a member as specified in  
23 Section 3.a. and 3.b. of this policy and any related student or activity handbook  
24 provisions.
  - 25 iii. Will be assessed for purposes of placement, team formation and cuts using the  
26 same criteria as used for full-time pupils enrolled in the District.
- 27 b. In cases where there is more than one school serving the same age group within District  
28 boundaries, a child under Section 4 of this policy shall be subject to the same school zone  
29 rules applicable to full-time pupils of the District. Participation for one school for one  
30 sport and another school for another sport is prohibited.
- 31 c. The academic eligibility for extracurricular participation for a student attending a  
32 nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the  
33 head administrator of the nonpublic school. No further verification shall be required.
- 34 d. The academic eligibility for extracurricular participation for a student attending a home  
35 school as specified under Section 4.a.ii shall be attested in writing by the educator  
36 providing the student instruction with verification by the school principal for the school  
37 of participation. The verification may not include any form of student assessment.
- 38 e. Students participating in extracurricular activities under Section 4 of this policy may be  
39 considered part-time enrollees for purposes of ANB in accordance with Policy 3150,  
40 3121, and 3121P.

41  
42  
43 5. Designation of Athletic Teams

44  
45 Unless otherwise prohibited by Policy 3210 or federal law, District sponsored athletic teams or  
46 sports designated for females, women, or girls may not be open to students who are biologically

1 of the male sex. District sponsored athletic teams or events may be designated as one of the  
2 following based on biological sex in accordance with applicable MHSAA rules, this Policy,  
3 federal law, Policy 3210, or the provisions of Section 6 of Chapter 405 (2021):

- 4
- 5 a. males, men, or boys;
- 6 b. females, women, or girls; or
- 7 c. coed or mixed.
- 8

9 This section of this Policy is void 21 days after the date the United States Secretary of Education  
10 files a written report with the proper committees of the United States House of Representatives  
11 and the United States Senate as required by 34 CFR 100.8(c) due to the enforcement of Chapter  
12 405 (2021).

13

14 Cross Reference:	Policy 3150	Part Time Attendance
	Policy 3121-3121P	Enrollment and Attendance
	Policy 3233	Student use of Buildings-Equal Access
	Policy 3550	Student Clubs
	Policy 2332	Religion and Religious Activities
	Policy 3222	Distribution and Posting Materials
	Policy 3233-	Student Use of Buildings - Equal Access
	Policy 4331	Use of School Property for Posting Notices

22

23 Legal Reference:	§40-6-701(1)	Parental Rights
	Chapter 693 (2023)	Parental Rights
	34 CFR 100.8(c)	Procedure for Effecting Compliance
	<i>Bostock v. Clayton County Georgia</i> , 140 S.Ct. 1731 (2020)	

27

28

29 Policy History:  
30 Adopted on: 10/10/23  
31 Reviewed on:  
32 Revised on:

# Clinton Elementary

Adopted on:  
Reviewed on:

3520 - R

STUDENTS

Revised on: 02/10/15

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## Student Fees, Fines, and Charges

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

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

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

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. A building administrator will notify a student and parent regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted. The District may withhold a student's grades or diploma until restitution is made. The District may not refuse to transfer files to another district because a student owes fines or fees. A school district may withhold the grades, diploma, or transcripts of a current or former pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian shall:

- (a) upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;
- (b) forward appropriate grades or transcripts to the school to which the pupil has transferred;
- (c) at the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;
- (d) when the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred;

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

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

1 **Clinton School District**

2  
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4  
5 Student Clubs

6  
7 The Board recognizes that student clubs are a helpful resource for schools and supports their  
8 formation. Student clubs must complete an application process. The Superintendent or designee  
9 is delegated the authority to approve or deny club applications.

10  
11 This policy shall be made available to all interested individuals upon request and posted on the  
12 District’s website. Parents and families shall be provided information about the nature and  
13 purpose of student clubs and groups meeting at the school and methods to consent to  
14 participation or opt out of participation consistent with parent/family rights.

15  
16 Curricular Student Clubs

17  
18 The Board of Trustees authorize the administration to approve and recognize curricular student  
19 clubs or organizations in a manner consistent with this policy and administrative procedure.  
20 Curricular Student clubs are those approved student clubs that directly relate to the body of  
21 courses offered by the school. Curricular student clubs that are recognized by the District are  
22 permitted to use District facilities, use the District’s name, a District school’s name, or a District  
23 school’s team name or any logo attributable to the District, and raise and deposit funds with the  
24 District.

25  
26 In order for the administration to approve and recognize a curricular student club the group must  
27 submit an application to the building administrator containing the following:

- 28  
29 1. The organization’s name and purpose.  
30  
31 2. The portion of the curriculum that forms the basis of the club. The portion of the  
32 curriculum that forms the basis of the club or the course offered at the school enhanced  
33 by the club’s functions. This step is required for consideration as a curricular club.  
34 Applications that do not satisfy this step may be permitted to meet at the school as a non-  
35 curricular student group.  
36  
37 3. The staff employee designated to serve as the group’s advisor.  
38  
39 4. The rules and procedures under which it operates.  
40  
41 5. A statement that the membership will adhere to applicable Board policies and  
42 administrative procedures.  
43

44 The administration will report to the Board when new curricular student clubs have been  
45 approved and recognized.  
46

1 Upon approval of a new curricular student club, the administration will notify the District clerk  
2 so the group may have any funds raised for its operations so designated in accordance with the  
3 District's financial practices.

4  
5 Approved curricular student clubs will appear in the student handbook and other appropriate  
6 district publications. Advisors of new student clubs may be eligible for a stipend in accordance  
7 with applicable collective bargaining agreement provisions and available district resources.  
8 Approved curricular student clubs may also have limited access as designated by the  
9 administration to distribute messages through official communications of the district (e.g.  
10 intercom announcements, district newsletters, group emails, etc.).

### 11 Career and Technical Student Curricular Clubs Performance Grants

12  
13  
14 The Board of Trustees authorizes approved chapters of the follow Career and Technical Student  
15 Curricular Clubs within the District to apply for performance grants distributed by the Office of  
16 Public Instruction in accordance with Section 20-7-320, MCA:

- 17 (a) Montana HOSA: future health professionals;
- 18 (b) Montana BPA (business professionals of America);
- 19 (c) Montana DECA (distributive education clubs of America);
- 20 (d) Montana FFA (future farmers of America);
- 21 (e) Montana TSA (technology student association);
- 22 (f) skillsUSA Montana; and
- 23 (g) Montana FCCLA (family, career and community leaders of America).

24  
25  
26 Any application submitted under this provision shall be reviewed and approved prior to  
27 submission by the club advisor, building principal, and superintendent or designee.

### 28 Non-Curricular Student Groups

29  
30  
31 Student-led and initiated groups of similar interests that do not meet the requirements to be an  
32 approved curricular student club as outlined in this policy shall be designated as noncurricular  
33 student groups. Noncurricular student groups include any student group that does not directly  
34 relate to the body of courses offered by the District but has a regular meeting schedule and  
35 established operational structure. District employees that are present at meetings in a supervisory  
36 capacity are not eligible for a stipend. Student meetings must be supervised by an adult.  
37 Employees or agents of the District that are present at student group meetings must only serve in  
38 a supervisory capacity.

39  
40 The District approves a limited open forum, within the meaning of that term as defined U.S.  
41 Code § 4071, for non-curricular student groups to meet on school premises during non-  
42 instructional time. Noncurricular student groups wishing to conduct a meeting within this  
43 limited forum are subject to the following fair opportunity criteria, which shall be uniformly  
44 administered consistent with 20 U.S. Code § 4071:

- 45 1. All such meetings must be voluntary and student-initiated;
- 46 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 nonparticipatory capacity;
4. All meetings must not materially and substantially interfere with the orderly conduct of educational activities within the District; and
5. Nonschool 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 a 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.

Cross Reference:      2332 – Religion and Religious Activities  
                                 3210 - Equal Education and Nondiscrimination  
                                 3222 – Distribution and Posting Materials  
                                 3233- Student Use of Buildings - Equal Access



1 4331 – Use of School Property for Posting Notices  
2 Policy 2158 – Family Engagement and Involvement in Education  
3 Policy 2132- Family Educational and Privacy Rights  
4 Rights  
5  
6 Legal Reference: 20 U.S. Code § 4071 - Denial of equal access prohibited  
7 Section 20-5-203, MCA – Secret Organization Prohibited  
8 Section 20-7-320, MCA- Career and Technical Student Organizations  
9 Section 40-6-701, MCA Fundamental Parental  
10 Title 20, chapter 3, part 3 – Board of Trustees  
11 §40-6-701(1) Parental Rights  
12 Chapter 693 (2023) Parental Rights  
13 Chapter 706 (2023) CTE Organization Grants  
14  
15

16 Policy History:  
17 Adopted on: 12/12/23  
18 Reviewed on:  
19 Revised on:

# Clinton School District

## STUDENTS

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### 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.

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

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

Legal Reference:	Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
	§ 20-1-212, MCA Destruction of records by school officer.
	§ 20-5-201, MCA Duties and sanctions
	§ 40-4-225, MCA Access to records by parent
	§ 40-6-701, MCA Interference with fundamental parental rights restricted ( <i>revised by House Bill 676</i> )
	§ 52-2-211, MCA County or regional interdisciplinary child information and school safety team ( <i>revised by Senate Bill 213</i> )
	10.55.909, ARM Student Records

### Policy History:

Adopted on: 9/10/13

Reviewed on: 2/10/15

Revised on: 12/12/23

Clinton Elementary

Adopted on:  
Reviewed on:

3600P

STUDENTS

Revised on: 09/10/13, 02/10/15

Student Records

Maintenance of School Student Records

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

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-406, MCA)
- Attendance record
- 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.

1  
2  
3  
4 Access to Student Records  
5

6 The District will grant access to student records as follows:  
7

- 8 1. The District or any District employee will not release, disclose, or grant access to information  
9 found in any student record except under the conditions set forth in this document.  
10  
11 2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy  
12 information in the child's school records. Such requests will be made in writing and directed to  
13 the records custodian. A parent of any student is allowed to view the footage but is not permitted  
14 to receive a copy unless the parents of the other involved students provide consent. Consent from  
15 parents of students in the background is not required. Access to the records will be granted  
16 within fifteen (15) days of the District's receipt of such request.  
17

18 Where the parents are divorced or separated, both will be permitted to inspect and copy the  
19 student's school records, unless a court order indicates otherwise. The District will send copies  
20 of the following to both parents at either one's request, unless a court order indicates otherwise:  
21

- 22 a. Academic progress reports or records;  
23 b. Health reports;  
24 c. Notices of parent-teacher conferences;  
25 d. School calendars distributed to parents/guardians; and  
26 e. Notices about open houses and other major school events, including student-parent  
27 interaction.  
28

29 A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible  
30 student has the right to access and inspect their student records. An eligible student may not  
31 prevent their parents from accessing and inspecting their student records if they are a dependent  
32 of their parents in accordance with Internal Revenue Service regulations.  
33

34 Access will not be granted to the parent or the student to confidential letters and  
35 recommendations concerning admission to a post-secondary educational institution, applications  
36 for employment, or receipt of an honor or award, if the student has waived his or her right of  
37 access after being advised of his or her right to obtain the names of all persons making such  
38 confidential letters or statements.  
39

- 40 3. The District may grant access to or release information from student records without prior written  
41 consent to school officials with a legitimate educational interest in the information. A school  
42 official is a person employed by the District in an administrative, supervisory, academic, or  
43 support staff position (including, but not limited to administrators, teachers, counselors,  
44 paraprofessionals, coaches, and bus drivers ), and the board of trustees. A school official may  
45 also include a volunteer or contractor not employed by the District but who performs an  
46 educational service or function for which the District would otherwise use its own employees and  
47 who is under the direct control of the District with respect to the use and maintenance of  
48 personally identifying information from education records, or such other third parties under  
49 contract with the District to provide professional services related to the District's educational  
50 mission, including, but not limited to, attorneys and auditors. A school official has a legitimate  
51 educational interest in student education information when the official needs the information in

1  
2  
3  
4 order to fulfill his or her professional responsibilities for the District. Access by school officials  
5 to student education information will be restricted to that portion of a student's records necessary  
6 for the school official to perform or accomplish their official or professional duties.  
7

- 8 4. The District may grant access to or release information from student records without parental  
9 consent or notification to any person, for the purpose of research, statistical reporting, or  
10 planning, provided that no student or parent can be identified from the information released, and  
11 the person to whom the information is released signs an affidavit agreeing to comply with all  
12 applicable statutes and rules pertaining to school student records.  
13
- 14 5. The District may grant release of a child's education records to child welfare agencies without the  
15 prior written consent of the parents.  
16
- 17 6. The District will grant access to or release information from a student's records pursuant to a  
18 court order.  
19
- 20 7. The District will grant access to or release information from any student record, as specifically  
21 required by federal or state statute.  
22
- 23 8. The District will grant access to or release information from student records to any person  
24 possessing a written, dated consent, signed by the parent or eligible student, with particularity as  
25 to whom the records may be released, the information or record to be released, and reason for the  
26 release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be  
27 mailed to the parent or eligible student by the Superintendent. Whenever the District requests  
28 consent to release certain records, the records custodian will inform the parent or eligible student  
29 of the right to limit such consent to specific portions of information in the records.  
30
- 31 9. The District may release student records to the superintendent or an official with similar  
32 responsibilities in a school in which the student has enrolled or intends to enroll, upon written  
33 request from such official. School officials may also include those listed in #3 above.  
34
- 35 10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will  
36 provide prompt written notice to the parents or eligible student of this intended action. This  
37 notification will include a statement concerning the nature and substance of the records to be  
38 released and the right to inspect, copy, and challenge the contents.  
39
- 40 11. The District may release student records or information in connection with an emergency, without  
41 parental consent, if the knowledge of such information is necessary to protect the health or safety  
42 of the student or other persons. The records custodian will make this decision, taking into  
43 consideration the nature of the emergency, the seriousness of the threat to the health and safety of  
44 the student or other persons, the need for such records to meet the emergency, and whether the  
45 persons to whom such records are released are in a position to deal with the emergency. The  
46 District will notify the parents or eligible student, as soon as possible, of the information released,  
47 date of the release, the person, agency, or organization to whom the release was made, and the  
48 purpose of the release.  
49
- 50 12. The District may disclose, without parental consent, student records or information to the youth  
51 court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act

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4 or criminal laws by the student.

- 5  
6 13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney  
7 General or designee to have access to a student's school records without notice to or consent of  
8 the student's parent(s)/guardian(s).  
9  
10 14. The District charges a nominal fee for copying information in the student's records. No parent or  
11 student will be precluded from copying information because of financial hardship.  
12  
13 15. A record of all releases of information from student records (including all instances of access  
14 granted, whether or not records were copied) will be kept and maintained as part of such records.  
15 This record will be maintained for the life of the student record and will be accessible only to the  
16 parent or eligible student, records custodian, or other person. The record of release will include:  
17  
18 a. Information released or made accessible.  
19 b. Name and signature of the records custodian.  
20 c. Name and position of the person obtaining the release or access.  
21 d. Date of release or grant of access.  
22 e. Copy of any consent to such release.  
23

#### 24 Directory Information

25  
26 The District may release certain directory information regarding students, except that parents may  
27 prohibit such a release. Directory information will be limited to:  
28

29 Student's name  
30 Address  
31 Telephone listing  
32 Electronic mail address  
33 Photograph (including electronic version)  
34 Date and place of birth  
35 Dates of attendance  
36 Grade level  
37 Participation in officially recognized activities and sports  
38 Weight and height of members of athletic teams  
39 Honors and awards received  
40 Most recent educational agency or institution attended  
41

42 The notification to parents and students concerning school records will inform them of their right to  
43 object to the release of directory information.  
44

#### 45 Military Recruiters/Institutions of Higher Education

46  
47 Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of  
48 all high school students to military recruiters and institutions of higher education upon request. The  
49 notification to parents and students concerning school records will inform them of their right to object to  
50 the release of this information.  
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4 Student Record Challenges  
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6 The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge  
7 content of the student’s education records on the grounds that the information contained in the education  
8 records is inaccurate, misleading, or in violation of the privacy rights of the student.  
9

10 The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- 11 • The District shall hold the hearing within a reasonable time after it has received the request for
- 12 the hearing from the parent or eligible student.
- 13 • The District shall give the parent or eligible student notice of the date, time, and place, reasonably
- 14 in advance of the hearing.
- 15 • The hearing may be conducted by any individual including an official of the District who does
- 16 not have direct interest in the outcome of the hearing.
- 17 • The District shall make its decision in writing within a reasonable amount of time after the
- 18 hearing.
- 19 • The decision must be based solely on the evidence presented at the hearing, and must include a
- 20 summary of the evidence and the reasons for the decision.

21  
22 The parent or eligible student has:

- 23
- 24 • The right to present evidence and to call witnesses;
- 25 • The right to cross-examine witnesses;
- 26 • The right to counsel;
- 27 • The right to a written statement of any decision and the reasons therefor;
- 28

29 The parents may insert a written statement of reasonable length describing their position on disputed  
30 information. The school will maintain the statement with the contested part of the record for as long as  
31 the record is maintained and will disclose the statement whenever it discloses the portion of the record to  
32 which the statement relates.  
33

34 Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R.
35	99 (2011)
36	§ 20-5-201, MCA      Duties and sanctions
37	§ 40-4-225, MCA      Access to records by parent
38	§ 41-3-201, MCA      Reports
39	§ 41-5-215, MCA      Youth court and department records – notification of
40	school
41	10.55.909, ARM      Student records
42	10.55.910, ARM      Student Discipline Records
43	
44	

Clinton Elementary

Adopted on:  
Reviewed on:

3600F1

STUDENTS

Revised on: 02/10/15

Page 1 of 4

Student Records

Notification to Parents and Students of Rights Concerning a Student’s School Records

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

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

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction
- Record of any disciplinary action taken against the student, which is educationally related

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information

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

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

“Eligible” students, who are eighteen (18) years of age or older, have the right to inspect and copy their permanent record. Parents/guardians or “eligible” students should submit to the school principal (or appropriate school official) a written request identifying the



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4 record(s) they wish to inspect. The principal will make, within forty-five (45) days,  
5 arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the  
6 time and place the records may be inspected. The District charges a nominal fee for  
7 copying, but no one will be denied their right to copies of their records for inability to pay  
8 this cost.  
9

10 The rights contained in this section are denied to any person against whom an order of  
11 protection has been entered concerning a student.  
12

13 **2. The right to request amendment of the student's education records which the**  
14 **parent(s)/guardian(s) or eligible student believes are inaccurate, misleading,**  
15 **irrelevant, or improper.**  
16

17 Parents/guardians or eligible students may ask the District to amend a record they believe  
18 is inaccurate, misleading, irrelevant, or improper. They should write the school principal  
19 or records custodian, clearly identifying the part of the record they want changed, and  
20 specify the reason.  
21

22 If the District decides not to amend the record as requested by the parent(s)/guardian(s) or  
23 eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the  
24 decision and advise him or her of their right to a hearing regarding the request for  
25 amendment. Additional information regarding the hearing procedures will be provided to  
26 the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.  
27

28 **3. The right to permit disclosure of personally identifiable information contained in**  
29 **the student's education records, except to the extent that FERPA or state law**  
30 **authorizes disclosure without consent.**  
31

32 Disclosure is permitted without consent to school officials with legitimate educational or  
33 administrative interests. A school official is a person employed by the District as an  
34 administrator, supervisor, instructor, or support staff member (including health or  
35 medical staff and law enforcement unit personnel); a person serving on the Board; a  
36 person or company with whom the District has contracted to perform a special task (such  
37 as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside  
38 parties to whom an educational agency or institution has outsourced institutional services  
39 or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s)  
40 or student serving on an official committee, such as a disciplinary or grievance  
41 committee, or assisting another school official in performing his or her tasks.  
42

43 A school official has a legitimate educational interest, if the official needs to review an  
44 education record in order to fulfill his or her professional responsibility.  
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4 Upon request, the District discloses education records, without consent, to officials of  
5 another school district in which a student has enrolled or intends to enroll, as well as to  
6 any person as specifically required by state or federal law. Before information is  
7 released to individuals described in this paragraph, the parent(s)/guardian(s) will receive  
8 written notice of the nature and substance of the information and an opportunity to  
9 inspect, copy, and challenge such records. The right to challenge school student records  
10 does not apply to: (1) academic grades of their child, and (2) references to expulsions or  
11 out-of-school suspensions, if the challenge is made at the time the student's school  
12 student records are forwarded to another school to which the student is transferring.  
13

14 Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning,  
15 provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and  
16 appropriate persons if the knowledge of such information is necessary to protect the health or safety of the  
17 student or other persons.

- 18  
19 4. **The right to a copy of any school student record proposed to be destroyed or**  
20 **deleted.**  
21  
22 5. **The right to prohibit the release of directory information concerning the parent's/**  
23 **guardian's child.**  
24

25 Throughout the school year, the District may release directory information regarding  
26 students, limited to:

27  
28 Student's name  
29 Address  
30 Telephone listing  
31 Electronic mail address  
32 Photograph (including electronic version)  
33 Date and place of birth  
34 Dates of attendance  
35 Grade level  
36 Participation in officially recognized activities and sports  
37 Weight and height of members of athletic teams  
38 Honors and awards received  
39 Most recent educational agency or institution attended  
40

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

7  
8 A parent or student 18 years of age or an emancipated student, may not opt out of  
9 directory information to prevent the district from disclosing or requiring a student to  
10 disclose their name [identifier, institutional email address in a class in which the student  
11 is enrolled] or from requiring a student to disclose a student ID card or badge that  
12 exhibits information that has been properly designated directory information by the  
13 district in this policy.

14  
15 **6. The right to request that information not be released to military recruiters and/or**  
16 **institutions of higher education.**

17  
18 Pursuant to federal law, the District is required to release the names, addresses, and  
19 telephone numbers of all high school students to military recruiters and institutions of  
20 higher education upon request.

21  
22 Parent(s)/guardian(s) or eligible students may request that the District not release this  
23 information, and the District will comply with the request.

24  
25 **7. The right to file a complaint with the U.S. Department of Education, concerning**  
26 **alleged failures by the District to comply with the requirements of FERPA.**

27  
28 The name and address of the office that administers FERPA is:

29  
30 Family Policy Compliance Office  
31 U.S. Department of Education  
32 400 Maryland Avenue, SW  
33 Washington, DC 20202-4605  
34

Clinton Elementary

Adopted on:  
Reviewed on:

3600F2

STUDENTS

Revised on: 02/10/15

**Student Directory Information Notification**

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

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

Dear Parent/Eligible Student:

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

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

-Student's name -Address -Telephone Listing -Electronic mail address -Photograph (including electronic version) -Date and place of birth	-Participation in officially recognized activities and sports -Weight and height of members of athletic teams
-Dates of attendance -Grade level	-Honors and awards received -Most recent educational agency or institution attended

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

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

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

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

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

Clinton Elementary

Adopted on: 11/13/01  
Reviewed on: 02/10/15  
Revised on: 05/14/052

3606 - R

STUDENTS

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Transfer of Student Records

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

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

Cross Reference:     3413             Student Immunization  
                          3600 - 3600P   Student Records  
                          3606F             Records Certification

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

3608 - R

STUDENTS

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Receipt of Confidential Records

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

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

- Superintendent
- Principal
- Counselor

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

Cross Reference: 3600 - 3600P Student Records

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

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on:

3612 - R

STUDENTS

District-Provided Access to Electronic Information, Services, and Networks 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 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 form for general use.

Acceptable Uses

**Educational Purposes Only.** All use of the District’s electronic network must be (1) in support of education and/or research, and be 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 is stored, transmitted, or received via the District’s electronic network or District computers. The school 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.

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

6  
7 Uses that violate the law or encourage others to violate the law, including but not limited to  
8 transmitting offensive or harassing messages; offering for sale or use any substance the  
9 possession or use of which is prohibited by the school district's student discipline policy;  
10 viewing, transmitting or downloading pornographic materials or materials that encourage others  
11 to violate the law; intruding into the networks or computers of others; and downloading or  
12 transmitting confidential, trade secret information, or copyrighted materials.

13  
14 Uses that cause harm to others or damage to their property, including but not limited to, engaging  
15 in defamation (harming another's reputation by lies); employing another's password or some  
16 other user identifier that misleads message recipients into believing that someone other than you  
17 is communicating or otherwise using his/her access to the network or the Internet; uploading a  
18 worm, virus, other harmful form of programming or vandalism; participating in "hacking"  
19 activities or any form of unauthorized access to other computers, networks, or other information.

20  
21 Uses that jeopardize the security of student access and of the computer network or other  
22 networks on the Internet.

23  
24 Uses that are commercial transactions. Students and other users may not sell or buy anything  
25 over the Internet. Students and others should not give information to others, including credit card  
26 numbers and social security numbers.

27  
28 Students are prohibited from using e-mail; this includes District e-mail accessed through a web  
29 browser. E-mail access may be given to students on a case-by-case basis (e.g., foreign exchange  
30 students keeping in contact with home.) Students are prohibited from joining chat rooms, unless  
31 it is a teacher-sponsored activity.

### 32 Internet Safety

33  
34  
35 Each District computer with Internet access shall have a filtering device that blocks entry to  
36 visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for  
37 students, as defined by the Children's Internet Protection Act and as determined by the  
38 Superintendent or designee.

39  
40 The school will also monitor the online activities of students, through direct observation and/or  
41 technological means, to ensure that students are not accessing such depictions or other material  
42 that is inappropriate for minors. The Superintendent or designee shall enforce the use of such  
43 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; and
- Appropriate supervision, either in person and/or electronically.

The system administrator and/or building principal shall 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.

#### 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.

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3  
4 Internet Access Conduct Agreements  
5

6 Each students and his/her parent(s)/legal guardian(s) will be required to sign and return to the  
7 school at the beginning of each school year the Internet Access Conduct Agreement prior to  
8 having access to the District’s computer system and/or Internet Service.  
9

10 Warranties/Indemnification  
11

12 The District makes no warranties of any kind, express or implied, in connection with its  
13 provision of access to and use of its computer networks and the Internet provided under this  
14 policy. The District is not responsible for any information that may be lost, damaged, or  
15 unavailable when using the network, or for any information that is retrieved or transmitted via  
16 the Internet. The District will not be responsible for any unauthorized charges or fees resulting  
17 from access to the Internet and any user is fully responsible to the District and shall indemnify  
18 and hold the District, its trustees, administrators, teachers, and staff harmless from any and all  
19 loss, costs, claims, or damages resulting from such user’s access to its computer network and the  
20 Internet, including but not limited to any fees or charges incurred through purchases of goods or  
21 services by the user. The user or, if the user is a minor, the user’s parent(s)/legal guardian(s)  
22 agrees to cooperate with the District in the event of the school’s initiating an investigation of a  
23 user’s use of his/her access to its computer network and the Internet.  
24

25 Violations  
26

27 If any user violates this policy, the student’s access will be denied, if not already provided, or  
28 withdrawn and he/she may be subject to additional disciplinary action. The system administrator  
29 and/or the building principal will make all decisions regarding whether or not a user has violated  
30 this policy and any related rules or regulations and may deny, revoke, or suspend access at any  
31 time with his/her/their decision being.  
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# Clinton Elementary

Promulgated on: 02/14/12  
Reviewed on: 01/10/12, 02/10/15

3612P - R

STUDENTS

Revised on:

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Page 1 of 4

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

## Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;

- 1
- 2
- 3
- 4 h. Using another user's account or password;
- 5
- 6 i. Posting material authored or created by another, without his/her consent;
- 7
- 8 j. Posting anonymous messages;
- 9
- 10 k. Using the network for commercial or private advertising;
- 11
- 12 l. Accessing, submitting, posting, publishing, or displaying any defamatory,  
13 inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially  
14 offensive, harassing, or illegal material; and
- 15
- 16 m. Using the network while access privileges are suspended or revoked.
- 17
- 18 4. Network Etiquette – The user is expected to abide by the generally accepted rules of  
19 network etiquette. These include but are not limited to the following:  
20
- 21 a. Be polite. Do not become abusive in messages to others.
- 22
- 23 b. Use appropriate language. Do not swear or use vulgarities or any other  
24 inappropriate language.
- 25
- 26 c. Do not reveal personal information, including the addresses or telephone  
27 numbers, of students or colleagues.
- 28
- 29 d. Recognize that electronic mail (e-mail) is not private. People who operate the  
30 system have access to all mail. Messages relating to or in support of illegal  
31 activities may be reported to the authorities.
- 32
- 33 e. Do not use the network in any way that would disrupt its use by other users.
- 34
- 35 f. Consider all communications and information accessible via the network to be  
36 private property.
- 37
- 38 5. No Warranties – The District makes no warranties of any kind, whether expressed or  
39 implied, for the service it is providing. The District will not be responsible for any  
40 damages the user suffers. This includes loss of data resulting from delays, non-deliveries,  
41 missed deliveries, or service interruptions caused by its negligence or the user's errors or  
42 omissions. Use of any information obtained via the Internet is at the user's own risk.  
43 The District specifically denies any responsibility for the accuracy or quality of  
44 information obtained through its services.
- 45
- 46

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3  
4 6. Indemnification – The user agrees to indemnify the District for any losses, costs, or  
5 damages, including reasonable attorney fees, incurred by the District, relating to or  
6 arising out of any violation of these procedures.  
7
- 8 7. Security – Network security is a high priority. If the user can identify a security problem  
9 on the Internet, the user must notify the system administrator or building principal. Do  
10 not demonstrate the problem to other users. Keep your account and password  
11 confidential. Do not use another individual’s account without written permission from  
12 that individual. Attempts to log on to the Internet as a system administrator will result in  
13 cancellation of user privileges. Any user identified as a security risk may be denied  
14 access to the network.  
15
- 16 8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary  
17 action. Vandalism is defined as any malicious attempt to harm or destroy data of another  
18 user, the Internet, or any other network. This includes but is not limited to uploading or  
19 creation of computer viruses.  
20
- 21 9. Telephone Charges – The District assumes no responsibility for any unauthorized charges  
22 or fees, including telephone charges, long-distance charges, per-minute surcharges, and/  
23 or equipment or line costs.  
24
- 25 10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the  
26 republishing of text or graphics found on the Web or on District Websites or file servers,  
27 without explicit written permission.  
28
  - 29 a. For each republication (on a Website or file server) of a graphic or text file that  
30 was produced externally, there must be a notice at the bottom of the page  
31 crediting the original producer and noting how and when permission was granted.  
32 If possible, the notice should also include the Web address of the original source.  
33
  - 34 b. Students and staff engaged in producing Web pages must provide library media  
35 specialists with e-mail or hard copy permissions before the Web pages are  
36 published. Printed evidence of the status of “public domain” documents must be  
37 provided.  
38
  - 39 c. The absence of a copyright notice may not be interpreted as permission to copy  
40 the materials. Only the copyright owner may provide the permission. The  
41 manager of the Website displaying the material may not be considered a source of  
42 permission.  
43
  - 44 d. The “fair use” rules governing student reports in classrooms are less stringent and  
45 permit limited use of graphics and text.

- 1  
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3  
4 e. Student work may only be published if there is written permission from both the  
5 parent/guardian and the student.  
6

7 Internet Safety  
8

- 9 1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures.  
10 Internet safety is almost assured if users will not engage in “unacceptable uses,” as  
11 detailed in these procedures, and will otherwise follow these procedures.  
12  
13 2. Staff members shall supervise students while students are using District Internet access,  
14 to ensure that the students abide by the Terms and Conditions for Internet access, as  
15 contained in these procedures.  
16  
17 3. Each District computer with Internet access has a filtering device that blocks entry to  
18 visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate  
19 for students, as defined by the Children’s Internet Protection Act and determined by the  
20 Superintendent or designee.  
21  
22 4. The district shall provide age-appropriate instruction to students regarding appropriate  
23 online behavior. Such instruction shall include, but not be limited to: positive interactions  
24 with others online, including on social networking sites and in chat rooms; proper online  
25 social etiquette; protection from online predators and personal safety; and how to  
26 recognize and respond to cyberbullying and other threats.  
27  
28 5. The system administrator and principal shall monitor student Internet access.  
29  
30

31  
32 Legal Reference: Children’s Internet Protection Act, P.L. 106-554  
33 Broadband Data Services Improvement Act/Protecting Children in  
34 the 21<sup>st</sup> Century Act of 2008 (P.L. 110-385)  
35 20 U.S.C. § 6801, et seq. Language instruction for limited English  
36 proficient and immigrant students  
37 47 U.S.C. § 254(h) and (l) Universal service  
38  
39  
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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

3612F

STUDENTS

Revised on:

**INTERNET ACCESS CONDUCT AGREEMENT**

*Every student, regardless of age, must read and sign below:*

I have read, understand, and agree to abide by the terms of the District’s policy regarding District-provided Access to Electronic Information, Services, and Networks (Policy No. 3612 & 2070). Should I commit any violation or in any way misuse my access to the District’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print) \_\_\_\_\_ Home Phone: \_\_\_\_\_  
User’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Status: Student \_\_\_\_ Staff \_\_\_\_ Patron \_\_\_\_ I am 18 or older \_\_\_\_ I am under 18 \_\_\_\_

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

**Parent or Legal Guardian.** (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above name-student, I have read, understand and agree that my child shall comply with the terms of the District’s policy regarding District-Provided Access to Electronic Information, Services and Networks for the student’s access to the District’s computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators, teachers and other staff against all claims, damages, losses, and costs, of whatever kind that may result from my child’s use of his/her access to such networks or his/her violation of the District’s policy. Further, I accept full responsibility for supervision of my child’s use of his/her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District’s computer network and the Internet.

Parent / Legal Guardian (Print): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Address: \_\_\_\_\_  
Date: \_\_\_\_\_

This Agreement is valid for the \_\_\_\_\_ school year only.

2  
3 **STUDENTS**

4  
5  
6 Pupil Online Personal Information Protection

7  
8 Compliance

9 The School District will comply with the Montana Pupil Online Personal Information Protection  
10 Act. The School District shall execute written agreements with operators who provide online  
11 applications for students and employees in the school district. The School District will execute  
12 written agreements with third parties who provide digital educational software or services,  
13 including cloud-based services, for the digital storage, management, and retrieval of pupil  
14 records. The written agreements will require operators and third parties to the School District for  
15 K-12 purposes or the delivery of student or educational services to comply with Montana and  
16 federal law regarding protected student information. All pupil records accessed by the operator  
17 or third party during the term of the agreement or delivery of service to the application will  
18 continue to be the property of and under the control of the school district.

19  
20 Operators of Online Applications

21 Operators providing online applications to the School District shall not target advertising to  
22 students, sell student information, or otherwise misuse student information. Operators shall not  
23 use information to amass a profile about a pupil, except in furtherance of K-12 school  
24 purposes. Operators shall not sell a pupil's information, including protected information unless  
25 authorized by law. Operators shall not disclose protected information unless the disclosure is  
26 made in accordance with School District policy, state or federal law, or with parent consent.  
27 Operators shall implement and maintain reasonable security procedures and practices appropriate  
28 to the nature of the protected information and safeguard that information from unauthorized  
29 access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected  
30 information if the school or district requests the deletion of data under the control of the school  
31 or district.

32  
33 Third Parties Providing Software and Services

34 Third parties providing digital education software and services to the School District shall certify  
35 that pupil records will not be retained or available to the third party upon completion of the terms  
36 of the agreement. Furthermore, third parties shall not use any information in pupil records for  
37 any purpose other than those required or specifically permitted by the agreement with the  
38 operator. Third parties shall not use personally identifiable information in pupil records to  
39 engage in targeted advertising.

40  
41 Third parties providing digital education software and services to the School District shall  
42 provide a description of the means by which pupils may retain possession and control of their  
43 own pupil-generated content. Third parties shall provide a description of the procedures by  
44 which a parent, legal guardian, or eligible pupil may review personally identifiable information  
45 in the pupil's records and correct erroneous information. Third parties shall provide a description  
46 of the actions the third party will take, including the designation and training of responsible



1  
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4 individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide  
5 a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18  
6 years of age or older in the event of an unauthorized disclosure of the pupil's records;

7  
8 Failure to Comply and Legal Review

9 An operator's or third party's failure to honor the law, agreement or School District policy will  
10 result in termination of services. The School District will report any operator who fails to honor  
11 the law to the appropriate authorities for criminal prosecution.

12  
13 All contracts and agreements executed under this agreement will be reviewed by the School  
14 District's legal counsel.

15  
16 Cross Reference: 3600 Student Records  
17 3650F Model Agreement

18  
19 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R.  
20 99  
21 Montana Pupil Online Personal Information Protection Act, Title 20,  
22 chapter 7, part 13, MCA

23  
24 Policy History:

25 Adopted on: 3/27/2020

26 Reviewed on:

27 Revised on:

**CLINTON ELEMENTARY SCHOOL DISTRICT**

**R = required**

**4000 SERIES  
COMMUNITY RELATIONS**

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4120 - R COMMUNITY RELATION

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Revised on:

Public Relations

The District will strive to maintain effective two-way communications with the public to enable the Board and staff to interpret schools’ needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

The Superintendent will establish and maintain a communication process within the school system and between it and the community. Such public information program will provide for news releases at appropriate times, arrange for media coverage of District programs and events, provide for regular direct communications between individual schools and the citizens they serve, and assist staff in improving their skills and understanding in communicating with the public.

The District may solicit community opinion through parent organizations, parent-teacher conferences, open houses, and other events or activities which may bring staff and citizens together.

Legal Reference: Art. II, Sec. 8, Montana Constitution - Right of participation  
Art. II, Sec. 9, Montana Constitution - Right to know

4  
5 District Social Media Presence

6  
7 The District social media accounts are provided for communication with the community. The  
8 School District will update these accounts as often as possible to share as much as necessary can  
9 about the School District and the achievements of the students and staff as well as other relevant  
10 district community information.

11  
12 All posting of comments on these accounts are at the discretion of the page administrators. The  
13 intent of this policy is to protect the privacy and rights of School District's staff and students.  
14 The account administrators will review all postings to make sure they do not violate the rules nor  
15 of the District's Acceptable Use Guidelines regarding Internet access and practices. All posts  
16 will be accompanied by an explanation of how to communicate with the School District in a  
17 manner consistent with District policy.

18  
19 The School District uses social media in conjunction with the School District's website. Staff  
20 members assigned to access/post information are:

- 21  
22 1) Superintendent  
23 2) Principal  
24 3) Activities Director  
25 4) Secretary

26 These staff members will complete training as needed to ensure use of the social media is  
27 consistent with this and other District policies.

28  
29 The Board authorizes the Superintendent to take necessary steps to implement this policy.

30  
31 Policy History:

32 Adopted on: October 12, 2021

33 Reviewed on: October 12, 2021

34 Revised on: October 1, 2021

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4210

COMMUNITY RELATION

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Revised on:

School-Support Organizations

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

Fundraising by School Support Groups

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

The principal must be consulted before any expenditure of such funds. All such funds raised by school adjunct groups are to be used for direct or indirect support of school programs. Equipment purchased by support groups and donated to the schools becomes the property of the District and may be used or disposed of in accordance with District policy and state law.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4301 - R

COMMUNITY RELATION

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Revised on:

Visitors to Schools

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

Cross Reference: 4313 Disruption of School Operations

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4310 - R

COMMUNITY RELATION

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Revised on:

Public Complaints and Suggestions

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District administrator. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from any decision of the Board.

Cross Reference: 1700 Uniform Complaint Procedure

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4313

COMMUNITY RELATION

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Revised on:

Disruption of School Operations

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

Cross Reference: 4301 Visitors to Schools

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



**Clinton School District**

**COMMUNITY RELATIONS**

Conduct on School Property

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

- Possess, carry or store a weapon at any time;
- Injure or threaten to injure another person;
- Damage another’s property or that of the District;
- Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- Smoke or otherwise use tobacco products, vapor products, ~~or~~ alternative nicotine products, or marijuana products (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation) (marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping);
- Consume, possess, or distribute alcoholic beverages, illegal drugs, or medical marijuana at any time;
- Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program or any other activity occurring on school property;
- Use vulgar or obscene language or gestures;
- Disregard the directives of school officials or security personnel;
- Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
- 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. These regulations are in effect year-round, and during all District extra or co-curricular activities. District administrators will take appropriate action as circumstances warrant, up to and including recommending that the individual violating this policy be denied access to District property. If a recommendation is made to the Board to deny access to District property to an individual, that individual will be notified of date, time and place of the meeting of the Board as well as of the specific allegations to be presented to the Board.

Cross References:	4313	Disruption of School Operations
Legal References:	§ 20-1-206, MCA § 20-1-220, MCA § 45-8-361, MCA § 50-46-301, MCA 20 USC § 7101	Disturbance of school Use of tobacco on school property prohibited <i>(revised by House Bill 128)</i> Possession of a weapon in a school building Montana Medical Marijuana Act Safe and Drug Free Schools & Community Act

Policy History

Adopted on: 2/10/15

Reviewed on:

Revised on: 7/18/23

Clinton Elementary

Adopted on: 10/09/12

Reviewed on:

Revised on: 02/10/15

4316 - R

COMMUNITY RELATION

Accommodating Individuals With Disabilities

Individuals with disabilities will be provided opportunity to participate in all school-sponsored services, programs, or activities on a basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District’s final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date.
2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the Superintendent or building principal if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or of federal law by reporting it to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

Legal References: Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.  
 Rehabilitation Act of 1973, 29 USC § 791 et seq.  
 Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 CFR 35.107  
 Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, 34 CFR 104.7

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

4320

COMMUNITY RELATION

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Revised on:

Contact with Students

Students are entrusted to the schools for educational purposes. Although educational purposes encompass a broad range of experiences, school officials must not assume license to allow unapproved contact with students by persons not employed by the District for educational purposes. Teachers may arrange for guest speakers on appropriate topics relative to the curriculum. Principals may approve school assemblies on specific educational topics of interest and relevance to the school program. The District normally does not permit other types of contact by non-school personnel.

The District will not allow access to the schools by outside organizations desiring to use the captive audience in a school for information, sales material, or special interest purposes.

## Clinton School District

### COMMUNITY RELATIONS

4330  
page 1 of 1

#### Community Use of School Facilities

The Trustees are supportive of the people of the community using the school facilities for both educational and recreational purposes. The Administration shall be charged with the responsibility of coordinating and authorizing use of all grounds and facilities by groups other than those directly connected with the school. The Administration shall develop the rules, regulations, and procedures for the use of facilities. As required by the Boy Scouts of America Equal Access Act, the District shall provide an equal right of access to the Boy Scouts of America and other designated patriotic youth groups. Sexually oriented performances are not permitted on District property.

#### Legal Reference:

20 USC § 7905 Boy Scouts of America Equal Access Act  
House Bill 359 Prohibiting Sexually Oriented  
Performances on Public Property

#### Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 12/12/23

Clinton Elementary

Adopted on:  
Reviewed on:

4330P

COMMUNITY RELATION

Revised on: 02/10/15

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Rules and Regulations for Building Use

- No food or drinks are allowed in classrooms or hallways.
- Chaperones are responsible for letting kids in and out of the building.  
Do not show up before your scheduled time or you will not be let in.
- You must be out of the school by your scheduled time. If you go over without permission you will be charged time and one half.
- Use of any school supplies must be approved.
- Classroom use must be approved by the teacher and the custodian.
- Classrooms must be left exactly as they were found – clean and organized. You will be charged hourly if we need to re-clean the rooms.
- Kids may not be in the hallways without a chaperone.
- Kids may not go to lockers or other classrooms without permission from the custodian.
- No running or yelling in the halls.
- Kids are not allowed in the teachers’ lounge or offices.
- Please make phone calls for rides 15 minutes before leaving or you may have to wait outside.

Clinton Elementary

Adopted on:  
Reviewed on:

4330F

COMMUNITY RELATION

Revised on: 02/10/15

**FACILITY USE AGREEMENT**

Organization or Individual Requesting Facility Use: \_\_\_\_\_  
Sponsors of Organization (Chaperones): \_\_\_\_\_  
Date and Hours of Requested Use: \_\_\_\_\_  
Purpose of Use: \_\_\_\_\_  
Facilities Requested: \_\_\_\_\_ (Approved/Denied)  
(Dishes, P.A. System, Projector, Balls, Etc.)

**Premises and Conditions**

Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:

- 1. That no alcoholic beverages, tobacco, nicotine products, or other drugs are sold or consumed on the premises by the requesting organization or individual or any of its employees, patrons, agents, or members.
- 2. That no illegal games of chance or lotteries will be permitted.
- 3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.
- 4. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities.

**Non-Discrimination**

The requesting organization or individual agrees to abide by non-discrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

**District's Rights**

The District reserves the right to cancel this Agreement, when it is determined by the District that the facilities are needed for school purposes.

The individual/organization named above agrees to use the facilities and equipment of the Clinton Public School specified above at the time and for the purpose specified, and accepts full responsibility for the conduct of the people present and absolves the district from liability as a result of the use of these facilities or any district equipment. The individual/organization will be responsible for all damage to school property at the time of use and agrees to pay the custodian the current time and one-half hourly fee.

\_\_\_\_\_  
(Signature of Representative of Organization or Group)

The application must be approved by the administration and filed at the school, with the custodian, to avoid conflicts and to ensure the community the best service the school affords. Prepare two copies so that the requesting party and the custodian each have a copy. The applicant should have the signature of the custodian before requesting use of the facility through the administration. The application must be returned to the custodian one week prior to use.

\_\_\_\_\_  
Approved/Denied by the Custodian

\_\_\_\_\_  
Approved/Denied by the Administration

Requests to use the gym for a dance must be approved by the administration.

Clinton Elementary

Adopted on:  
Reviewed on:

4331

COMMUNITY RELATION

Revised on: 02/10/15

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Use of School Property for Posting Notices

Non-school-related organizations may ask the building principal permission:

1. To display posters in the area reserved for community posters; or
2. To have flyers distributed to students.

Posters and/or flyers must be student oriented and have the sponsoring organization's name prominently displayed. The District will not permit the posting or distribution of any material that would:

- Disrupt the educational process;
- Violate the rights of others;
- Invade the privacy of others;
- Infringe on a copyright;
- Be obscene, vulgar, or indecent; or
- Promote 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.



Clinton Elementary

Adopted on:  
Reviewed on:

4332

COMMUNITY RELATION

Revised on: 10/12/10, 02/10/15

Conduct on School Property

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

- Injure or threaten to injure another person;
- Damage another's property or that of the District;
- Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- Smoke or otherwise use tobacco or nicotine products, including e-cigarettes or other similar products;
- Consume, possess, or distribute alcoholic beverages, illegal drugs, including marijuana or possess weapons (as defined in Policy 3310/3311) at any time;
- Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
- Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
- Willfully violate other District rules and regulations.

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

Cross Reference: 3310 Student Discipline  
3311 Firearms and Weapons

Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081  
Smoke Free School Act of 1994  
§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited  
§ 20-5-410, MCA Civil penalty  
§ 50-46-101, MCA Montana Medical Marijuana Act

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# Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

4340

## COMMUNITY RELATION

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Page 1 of 2

### Public Access to District Records

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

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

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

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

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.
2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.
3. Test questions, scoring keys, or other examination data used to administer academic tests.
4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.
4. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record

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shall not be exempt when publicly cited by the District in connection with any District action.

- 6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.
- 7. Records or portions of records, the disclosure of which would violate personal rights of privacy.
- 8. Records or portions of records, the disclosure of which would violate governmental interests.

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

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

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

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

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

1 **Clinton School District**

2  
3 **COMMUNITY RELATIONS**

4  
5 Relations with Law Enforcement and Child Protective Agencies

6  
7 The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff shall be  
8 responsible for holding students accountable for infractions of school rules, which may include minor  
9 violations of the law, occurring during school hours or at school activities. When there is substantial  
10 threat to the health and safety of students or others, such as in the case of bomb threats, mass  
11 demonstrations with threat of violence, individual threats of substantial bodily harm, trafficking in  
12 prohibited drugs, or the scheduling of events where large crowds may be difficult to handle, the law  
13 enforcement agency shall be called upon for assistance. Information regarding major violations of the  
14 law shall be communicated to the appropriate law enforcement agency.  
15

16 The District will strive to develop and maintain cooperative working relationships with the law  
17 enforcement agencies. Procedures for cooperation between law enforcement, child protective, and school  
18 authorities will be established. Such procedures will be made available to affected staff and will be  
19 periodically revised.  
20

21 County or Regional Interdisciplinary Child Information and School Safety Team

22  
23 The District shall participate in the Missoula County or Regional interdisciplinary child information and  
24 school safety team established by the county commissioners in accordance with Section 52-2-211, MCA.  
25 This team consists of representatives by the youth court, the county attorney, the department of public  
26 health and human services, the county superintendent of schools, the sheriff, the chief of any police force,  
27 the boards of trustees and superintendents of public-school districts in the County, and the department of  
28 corrections.  
29

30 The purpose of the team is “to facilitate the exchange and sharing of information that one or more team  
31 members may be able to use in serving a child in the course of their professions and occupations,  
32 including but not limited to abused or neglected children, delinquent youth, and youth in need of  
33 intervention, and of information relating to issues of school safety.”  
34

35 The team shall adopt a written agreement for the rules under which the team will operate, the method by  
36 which information will be shared, distributed, and managed, and any other matters necessary to the  
37 purpose and functions of the team. Any agreement created may not limit access of any team member to  
38 information and any delay in or failure to finalize an agreement may not be used by any member of the  
39 team to impede the timely exchange and sharing of information under this Policy.  
40

41 The Board and Superintendent are authorized to participate in the formation of and request information  
42 from the interdisciplinary child information and school safety team regarding students in the School  
43 District. The Board and Superintendent shall utilize this authority on a regular basis to ensure the safety  
44 and security of the District.  
45

46 Legal Reference: § 20-1-206, MCA Disturbance of school – penalty  
47 § 52-2-211, MCA County Interdisciplinary Child Information and  
48 School Safety Team  
49 Chapter 348 (2023) School Safety Teams  
50

- 1
- 2 Policy History:
- 3 Adopted on: 2/10/15
- 4 Reviewed on:
- 5 Revised on: 8/15/23

2 **Clinton Elementary School District**

3 **COMMUNITY RELATIONS**

4411

4  
5 Investigations and Arrests by Police

6  
7 The Missoula County Law Enforcement will provide a School Resource Officers (SROs) for the  
8 Clinton Elementary School District to maintain a safe and secure environment conducive to  
9 learning. Whenever possible all interactions between students and law enforcement at the school  
10 with SROs assigned shall be coordinated through the SROs as specified within the duties of the  
11 SRO.

12  
13 When a student becomes involved with law enforcement officers due to events outside of the  
14 school environment and officers other than a SRO must interact with a student, the officer(s) is  
15 requested to confer with the student when he/she is not under the jurisdiction of the school. If  
16 this cannot be arranged; the SRO is the first person of contact for law enforcement. The SRO  
17 will follow the procedures specified by the district in complying with a request from an outside  
18 law enforcement agency. If for any reason the SRO is not available to respond to a request, the  
19 following steps shall be taken to cooperate with the authorities.

- 20  
21 a. The officer shall contact the Superintendent and present proper identification in all  
22 occasions upon his/her arrival on school premises.  
23  
24 b. Parents or guardians shall be notified by the law enforcement officer or Superintendent as  
25 soon as possible. The law enforcement officer or Superintendent shall make every effort  
26 to inform parents or guardians of the intent of the law enforcement officers except when  
27 that notification may compromise the student's safety.  
28  
29 c. The student's parent or guardian should be present, if practicable, during any  
30 interrogation on school premises.  
31

32 In all situations of interrogations, arrest or service of subpoenas of a student by law enforcement  
33 officers on school premises, all practicable steps shall be taken to ensure a minimum of  
34 embarrassment or invasion of privacy of the student.  
35  
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38 Policy History:

39 Adopted on: 2/10/15

40 Reviewed on:

41 Revised on: 8/3/17

**Clinton School District**

**COMMUNITY RELATIONS**

Cooperative Programs with Other Districts and Public Agencies

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

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

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

The District may enter a multidistrict agreement with one or more districts for a district to provide culturally rooted instruction aligned to a learning environment for English language learners or an Indian language immersion program to pupils of a district participating in the multidistrict agreement.

Legal Reference:	§§ 7-11-101, <i>et seq.</i> , MCA	Interlocal Cooperation Act
	§ 20-3-363, MCA	Multidistrict agreements – fund transfers ( <i>revised by House Bill 214</i> )
	§§ 20-7-451 through 456, MCA	Authorization to create full service education cooperatives
	§§ 20-7-801, <i>et seq.</i> , MCA	Public recreation

Policy History:  
Adopted on: 2/10/15  
Reviewed on:  
Revised on: 12/12/23

Clinton Elementary

Adopted on: 11/11/08  
Reviewed on: 09/09/08  
Revised on: 02/10/15

4550

COMMUNITY RELATION

Registered Sex Offenders

The State of Montana has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, the Clinton School District declares that, except in limited circumstances, Clinton School property 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 Clinton 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 may come on Clinton School buildings or property except as otherwise provided in this policy. If an administrator becomes aware that such a sex offender is on 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 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.

The provisions of this policy prohibiting a registered sex offender from coming on school property shall not apply in the event that a sex offender's name should be expunged from the Registry.



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4 Rights of Parents on the Sex Offender Registry  
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6 In the event that a registered sex offender has a child attending Clinton School, the  
7 administration is authorized to modify this policy's restrictions to permit the parent to drop off  
8 and pick up the child from school and to come onto campus for specific infrequent circumstances  
9 with written permission from the administration. It is the intent of the Board, however, that these  
10 special circumstances be truly unusual and infrequent occurrences. However, the  
11 parent/guardian may not linger on or about school property at any time, and the parent is  
12 prohibited from being in any part of the school building except the main office.  
13

14 This policy does not impose a duty upon the administrator of any school or any other employee  
15 of the District to review the Sex Offender Registry and the school system's directory information  
16 to ascertain whether a registered sex offender may have a child attending school in the District.  
17 The provisions of this policy shall apply only if the administration actually becomes aware that a  
18 parent/guardian of a student at the school is a registered sex offender.  
19

20 To facilitate voluntary compliance with this policy, administrators are encouraged to speak with  
21 any affected parents upon learning of their status as registered sex offenders to communicate the  
22 restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of  
23 the offender's child.  
24

25 The Superintendent or other designated administrator shall notice parents of students in the  
26 school, by sending a letter via email to each parent notifying them that a sex offender is residing  
27 in the area. This will be done once in August/September and again in January/February. The  
28 website for a list of sex offenders can be found at <https://app.doj.mt.gov/apps/svow/>, (a link is  
29 also located on the schools website) recently relocated offenders may also be found published in  
30 the local paper every Monday. When new sex offenders move into the community, parents will  
31 be notified by message from the schools automated call system. If you have any questions,  
32 please contact the administration at the school. In addition, the Superintendent or other  
33 designated administrator shall prepare and send via certified mail a letter to the sex offender  
34 notifying such person that they are to refrain from coming onto school property unless prior  
35 written approval is received from the school administration. At all times, the administrator shall  
36 endeavor to protect the privacy of the offender's child.  
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40 Legal Reference:       § 46-23-501, MCA                   Sexual or Violent Offender Registration Act  
41                               [www.doj.mt.gov/svor/](http://www.doj.mt.gov/svor/)                   Sexual or Violent Offender Registry  
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Clinton Elementary

Adopted on: 11/11/08  
Reviewed on: 02/10/15

4550P

COMMUNITY RELATION

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Revised on:

Registered Sex Offenders - Record Keeping

A hard copy file folder shall be kept as an ongoing record of Administration activities relating to Clinton School Board Policy 4550. This cumulative record will be maintained under the direct supervision of the Superintendent and be made available for inspection upon request of the Board, staff, parents, or others who have a legitimate interest in viewing these documents.

At least once per year, the Administration shall notice parents of the sexual offender file folder and their right to inspect its contents upon direct request to the Superintendent.

The cumulative file folder shall contain, but is not limited to, the following:

1. A dated printout of the Montana Registered Sex Offender Registry for each occurrence that the Administration inspects the site in accordance with Clinton School Board Policy 4550;
2. A copy of all letters sent to parents notifying them of a registered sex offender residing within the District;
3. A copy of all certified letters sent to registered sex offenders notifying them of the District's policy relating to their presence on school grounds; and
4. A copy of the document annually notifying parents of their right to inspect the sexual offender file folder.

Clinton Elementary

Adopted on: 08/09/05  
Reviewed on: 02/10/15

4600 - R

COMMUNITY RELATION

Revised on:

Page 1 of 5

Notice to Parents Required by No Child Left Behind Act of 2001 (“NCLB”) \*

Improving Basic Programs Operated by Local Educational Agencies

- As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
  5. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
  6. Whether the teacher is teaching under emergency or other provisional status.
  7. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
  8. Whether paraprofessionals provide services to the student and, if so, their qualifications.
  
- As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent’s child in each of the state academic assessments.
  
- As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the parent’s child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child’s level of English proficiency, instructional method, how their child’s program will meet the child’s needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.
  
2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for

participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

#### Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
  - a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
  - b. The reasons for the identification;
  - c. An explanation of what the school identified for school improvement is doing to address the problem;
  - d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
  9. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
  10. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.
3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
  - a. The availability of supplemental education services;
  - b. The identity of approved providers of those services within the district or whose

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4 services are reasonably available in neighboring districts; and  
5 c. A brief description of those services, qualifications, and the demonstrated  
6 effectiveness of each such provider.  
7

#### 8 Parental Involvement 9

- 10 1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement  
11 policy, in an understandable and uniform format and, to the extent practicable, in a  
12 language the parents can understand. Such policy shall be made available to the local  
13 community and updated periodically to meet the changing needs of parents and the  
14 school.  
15  
16 2. As required by NCLB § 1118(c): Each school shall:  
17 a. Convene an annual meeting at a convenient time, to which all parents of  
18 participating children shall be invited and encouraged to attend, to inform parents  
19 of their school's participation and to explain the requirements of the NCLB and  
20 the right of the parents to be involved;  
21 b. Offer a flexible number of meetings;  
22 c. Involve parents, in an organized, ongoing, and timely way, in the planning,  
23 review, and improvement of programs, including the planning, review, and  
24 improvement of the school parental involvement policy and the joint development  
25 of the school-wide program plan under § 1114(b)(2);  
26 d. Provide parents of participating children:  
27 • Timely information about programs under this part;  
28 • A description and explanation of the curriculum in use at the school, the  
29 forms of academic assessment used to measure student progress, and the  
30 proficiency levels students are expected to meet; and  
31 • If requested by parents, opportunities for regular meetings to formulate  
32 suggestions and to participate, as appropriate, in decisions relating to the  
33 education of their children, and respond to any such suggestions as soon as  
34 practicably possible.  
35

#### 36 Education of Homeless Children and Youths 37

- 38 1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the  
39 time any homeless child or youth seeks enrollment in the school and at least twice  
40 annually while the child or youth is enrolled in the school, to the parent or guardian of the  
41 child or youth (or, in the case of an unaccompanied youth, the youth) that:  
42 a. Shall be signed by the parent or guardian;  
43 b. Sets forth the general rights provided under this subtitle;  
44 c. Specifically states:  
45 • The choice of schools homeless children and youths are eligible to attend;  
46 • That no homeless child or youth is required to attend a separate school for

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4 homeless children or youths;
- 5 • That homeless children and youths shall be provided comparable services,  
6 including transportation services, educational services, and meals through  
7 school meals programs;
  - 8 • That homeless children and youths should not be stigmatized by school  
9 personnel;
- 10 d. Includes contact information for the local liaison for homeless children and  
11 youths.
- 12
- 13 2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless  
14 youth, the district shall ensure that the homeless liaison assists in placement or enrollment  
15 decisions, considers the views of such unaccompanied youth, and provides notice to such  
16 youth of the right to appeal.
- 17
- 18 3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of  
19 the educational rights of homeless children is disseminated where such children and  
20 youths receive services under this Act, such as schools, family shelters, and soup  
21 kitchens.
- 22

### 23 Persistently Dangerous Schools

24

25 If the district is identified as a persistently dangerous school,<sup>1</sup> the district must, in a timely  
26 manner:

27

- 28 1. Notify parents of each student attending the school that the state has identified the school  
29 as persistently dangerous.
- 30
- 31 2. Offer all students the opportunity to transfer to a safe public school within the district. If  
32 there is not another school in the district, the district is encouraged, but not required, to  
33 explore other options such as an agreement with a neighboring district to accept transfer  
34 students.
- 35

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1 **“Persistently dangerous public elementary school or secondary school,”** in the context of the No  
Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be  
persistently dangerous if each of the following two conditions exist:

(1) In each of three consecutive years, the school has a federal or state gun-free schools violation or a  
violent criminal offense has been committed on school property, and

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol,  
weapons or violence that exceed one of the following rates –

(a) more than five expulsions for a school of less than 250 students,

(b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or

(c) more than 15 expulsions for a school of more than 1,000 students.

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4 3. For those students who accept the offer, complete the transfer.

5  
6 In addition a district must also:

- 7  
8 1. Develop a corrective action plan; and  
9  
10 2. Implement the plan in a timely manner.

11  
12 Parental notification regarding the status of the school and the offer to transfer students may be  
13 made simultaneously.

14  
15 Student Privacy

- 16  
17 1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the  
18 district shall provide for reasonable notice of the adoption or continued use of such  
19 policies directly to the parents of students enrolled in schools served by the district. At a  
20 minimum, the district shall:  
21 a. Provide such notice at least annually at the beginning of the school year and  
22 within a reasonable period of time after any substantive change in such policies;  
23 and  
24 b. Offer an opportunity for the parent to opt the student out of the activity.  
25  
26 2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such  
27 existing policies to parents and guardians of students, e.g., “*The Board has adopted and*  
28 *continues to use policies regarding student privacy, parental access to information, and*  
29 *administration of certain physical examinations to minors. Copies of those policies are*  
30 *available on request.*”  
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**Clinton School District**

**COMMUNITY RELATIONS**

4700

Page 1 of 2

Family and Community Engagement

The Board recognizes the importance of engaging families in the education of children. The Superintendent and staff shall undertake activities designed to:

- Encourage families to actively participate in the life of their children’s schools;
- Ensure families feel welcomed, valued, and connected to one another, school staff, and to what students are learning and doing in class
- Ensure continuous collaboration between families and school staff to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
- Empower families to be advocates for their own and other children to ensure that students are treated equitably and have access to learning opportunities that will support their success;
- Allow families and school staff to partner in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
- Encourage families and school staff to collaborate with members of the community to connect students; families; and staff to post-secondary education opportunities, including workforce training, apprenticeships opportunities, career pathways, and degree programs, and encourage students to explore college and career planning tools (including Free Application for Federal Student Aid completion) and incentives provided by post-secondary institutions.

To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local laws and programs, including but not limited to Title I programs.

Cross Reference:	Board Policy 2158 Board Policy 2160	Family Engagement Policy Federal Funding and Title I Administrative Procedures
Legal References:	10.55.701, ARM 10.55.722, ARM	Board of Trustees Family and Community Engagement

Policy History:  
Adopted on 8/15/23  
Revised on:



## CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

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5329 - 5329P	Long-Term Illness/Temporary Disability/Maternity Leave
5330	Maternity and Paternity Leave
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# CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

## 5000 SERIES PERSONNEL

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5000

PERSONNEL

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Board Goal/Personnel

The human resources of the District are valuable and significant in creating an effective educational program and learning environment. Schools function most efficiently and successfully when highly qualified individuals are employed to staff the needs of the District. Opportunities for staff development should be provided periodically. Supervision is a necessary, ongoing function of the District's leadership. The board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5002 - R

PERSONNEL

Revised on:

Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided opportunity to participate in all school-sponsored services, programs, or activities on an basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and usable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Superintendent is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend 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 building principal if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 12111, *et seq.*, and 12131, *et seq.*; 28 C.F.R. Part 35.

PERSONNEL

Equal Employment Opportunity and Non-Discrimination

As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations The District will provide equal employment opportunities to and will not discriminate in its educational programs or activities, including in the area of employment, with respect to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories. For purposes of this policy, “sex” includes sexual orientation and gender identity and expression.

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. Covid-19 vaccine status will not be used as a basis to deny or allow equal opportunity to employment.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal. Inquiries regarding sex discrimination or sexual harassment may also be directed to the District’s Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both. Claims of sexual harassment will be handled through the District’s Title IX Sexual Harassment Grievance Procedures. Claims of disability discrimination will be handled through the District’s Section 504 and ADA Grievance Procedure. All other claims will be handled through the Uniform Complaint Protocol. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Retaliation against an employee who has filed a discrimination complaint, testified or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 5015 Bullying/Harassment/Intimidation  
1700 Uniform Complaint Procedure  
Title IX Sexual Harassment Grievance Procedure  
Section 504 and ADA Grievance Procedure

Legal Reference: 29 U.S.C. §§ 621, *et seq.* Age Discrimination in Employment Act  
42 U.S.C. §§ 12111, *et seq.* Americans with Disabilities Act, Title I  
29 U.S.C. § 206(d) Equal Pay Act

8 U.S.C. §§ 1324(a), *et seq.* Immigration Reform and Control Act  
29 U.S.C. §§ 791, *et seq.* Rehabilitation Act of 1973  
20 U.S.C. §§ 1681, *et seq.* Title IX of the Education Amendments,  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in  
Education  
Montana Constitution, Art. X, § 1 - Educational goals and duties  
§ 49-2-101, *et seq.*, MCA Human Rights Act  
House Bill 702 Prohibits Discrimination Based on Vaccine  
Status  
§ 50-16-502, MCA Legislative findings (*Cited by House Bill  
702*)  
*Bostock v. Clayton County*, 140 S. Ct. 1731 (2020)

Policy History:

Adopted on: 8/16/22

Revised on: 12/12/23



4  
5 Sexual Harassment of Employees

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of  
12 Education, or both.

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

- 15
- 16 Title: Superintendent
- 17 Office address: PO Box 250; 20397 E Mullan Road, Clinton, MT 59825
- 18 Email: [acyr@clintoncougars.com](mailto:acyr@clintoncougars.com)
- 19 Phone number: (406)825-3113 ext222
- 20

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

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

- 29
- 30 1. A District employee conditioning the provision of an aid, benefit, or service of the
- 31 District on an individual’s participation in unwelcome sexual conduct;
- 32
- 33 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
- 34 objectively offensive that it effectively denies a person equal access to the District’s
- 35 education program or activity; or
- 36
- 37 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in
- 38 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or
- 39 “stalking” as defined in 34 USC 12291(a)(30).
- 40

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

44  
45 An individual is not required to submit a report of sexual harassment involving the Title IX  
46 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged

1  
2  
3  
4  
5 harassment, the individual may report the allegations to the building principal or superintendent  
6 or other unbiased school official.

7  
8 Retaliation Prohibited  
9

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

19  
20 Confidentiality  
21

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

29  
30 Notice Requirements  
31

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

40  
41 Training Requirements  
42

43 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
44 who facilitates an informal resolution process, receives training on the definition of sexual  
45 harassment, the scope of the District's education program or activity, how to conduct an

1 investigation and grievance process including hearings, appeals and informal resolution  
2 processes, when applicable, and how to serve impartially including by avoiding prejudgment of

3 5012

4 Page 3 of 3

5  
6 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers  
7 and investigators receive training on issues of relevance of questions and evidence, including  
8 when questions and evidence about the complainant’s sexual predisposition or prior sexual  
9 behavior are not relevant as set forth in the formal procedures that follow, and training on any  
10 technology to be used at a live hearing, if applicable. Investigators also receive training on  
11 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All  
12 materials used to train individuals who receive training under this section must not rely on sex  
13 stereotypes and must promote impartial investigations and adjudications of formal complaints of  
14 sexual harassment and are made publicly available on the District’s website.

15  
16 Conflict of Interest and Bias

17  
18 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
19 who facilitates an informal resolution process do not have a conflict of interest or bias for or  
20 against complainants or respondents generally or an individual complainant or respondent.

21  
22 Determination of Responsibility

23  
24 The individual who has been reported to be the perpetrator of conduct that could constitute  
25 sexual harassment is presumed not responsible for alleged conduct. A determination regarding  
26 responsibility will be made by the decision-maker at the conclusion of the investigation in  
27 accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be imposed  
28 unless and until a final determination of responsibility is reached.

29  
30 Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination  
31 Policy 5012P – Sexual Harassment Procedures

32  
33  
34 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
35 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
36 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
37 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
38 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
39 34 CFR Part 106 Nondiscrimination on the basis of sex in  
40 education programs or activities receiving  
41 Federal financial assistance  
42 10.55.701(1)(f), ARM Board of Trustees  
43 10.55.719, ARM Student Protection Procedures  
44 10.55.801(1)(a), ARM School Climate

45  
46 Policy History:

- 1 Adopted on: 10/09/12
- 2 Reviewed on: 02/10/15
- 3 Revised on: 11/10/20

4  
5  
6 Sexual Harassment Grievance Procedure - Employees

7  
8 The Board requires the following grievance process to be followed for the prompt and equitable  
9 resolution of employee complaints alleging any action that would be prohibited as sexual  
10 harassment by Title IX. The Board directs the process to be published in accordance with all  
11 statutory and regulatory requirements.

12  
13 Definitions

14  
15 The following definitions apply for Title IX policies and procedures:

16  
17 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the  
18 District’s Title IX Coordinator or any official of the District who has authority to institute  
19 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
20 school.

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

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

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

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

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

40  
41 District Requirements

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

1  
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3  
4  
5 discrimination process bullying and harassment policy, or public complaint procedure for  
6 investigation.

7  
8 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator  
9 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive  
10 measures. Supportive measures are designed to restore or preserve equal access to the District's  
11 education program or activity without unreasonably burdening the other party, including  
12 measures designed to protect the safety of all parties or the District's educational environment, or  
13 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines  
14 or other course-related adjustments, modifications of work or class schedules, mutual restrictions  
15 on contact between the parties, leaves of absence, increased security and monitoring of certain  
16 areas of the District's property, campus escort services, changes in work locations and other  
17 similar measures.

18  
19 The Title IX Coordinator is responsible for coordinating the effective implementation of  
20 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
21 contact the Complainant to discuss the availability of supportive measures, consider the  
22 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
23 availability of supportive measures with or without the filing of a formal complaint, and explain  
24 to the Complainant the process for filing a formal complaint. If the District does not provide the  
25 Complainant with supportive measures, then the District must document the reasons why such a  
26 response was not clearly unreasonable in light of the known circumstances.

### 27 28 Timelines

29  
30 The District has established reasonably prompt time frames for the conclusion of the grievance  
31 process, including time frames for filing and resolving appeals and informal resolution processes.  
32 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
33 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
34 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
35 In the event the grievance process is temporarily delayed for good cause, the District will provide  
36 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
37 for the action.

### 38 39 Response to a Formal Complaint

40  
41 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
42 participate in the education program or activity of the District with which the formal complaint is  
43 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
44 electronic mail, or other means designated by the District.  
45

1 The District must follow the formal complaint process before the imposition of any disciplinary  
2 sanctions or other actions that are not supportive measures. However, nothing in this policy

7 precludes the District from placing a non-student employee Respondent on administrative leave  
8 during the pendency of the grievance process. The District may also remove a student  
9 Respondent alleged to have harassed an employee Complainant from the education setting. The  
10 student may receive instruction in an offsite capacity during the period of removal. This  
11 provision may not be construed to modify any rights under the Individuals with Disabilities  
12 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities  
13 Act.  
14

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

- 17  
18 1. Notice of the allegations of sexual harassment, including information about the  
19 identities of the parties involved in the incident, the conduct allegedly constituting  
20 sexual harassment, the date and location of the alleged incident, and any sufficient  
21 details known at the time. Such notice must be provided with sufficient time to  
22 prepare a response before any initial interview;  
23
- 24 2. An explanation of the District's investigation procedures, including any informal  
25 resolution process;  
26
- 27 3. A statement that the Respondent is presumed not responsible for the alleged  
28 conduct and that a determination regarding responsibility will be made by the  
29 decision-maker at the conclusion of the investigation;  
30
- 31 4. Notice to the parties that they may have an advisor of their choice who may be, but  
32 is not required to be, an attorney, and may inspect and review any evidence; and  
33
- 34 5. Notice to the parties of any provision in the District's code of conduct or policy that  
35 prohibits knowingly making false statements or knowingly submitting false  
36 information.  
37

38 If, in the course of an investigation, the District decides to investigate allegations about the  
39 Complainant or Respondent that are not included in the notice initially provided, notice of the  
40 additional allegations must be provided to known parties.  
41

42 The District may consolidate formal complaints as to allegations of sexual harassment against  
43 more than one Respondent, or by more than one Complainant against one or more Respondents,  
44 or by one party against the other party, where the allegations of sexual harassment arise out of  
45 the same facts or circumstances.  
46

1 Investigation of a Formal Complaint

2  
3 When investigating a formal complaint and throughout the grievance process, the District must:

4 5012P  
5 page 4 of 9

- 6  
7 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach  
8 a determination regarding responsibility rests on the District and not the parties’;  
9  
10 2. Provide an equal opportunity for the parties to present witnesses and evidence;  
11  
12 3. Not restrict either party’s ability to discuss the allegations under investigation or to  
13 gather and present relevant evidence;  
14  
15 4. Allow the parties to be accompanied with an advisor of the party’s choice who may be,  
16 but is not required to be, an attorney. The District may establish restrictions regarding  
17 the extent to which the advisor may participate in the proceedings, as long as the  
18 restrictions apply equally to both parties;  
19  
20 5. Provide written notice of the date, time, location, participants, and purpose of any  
21 interview or meeting at which a party is expected to participate, with sufficient time for  
22 the party to prepare to participate;  
23  
24 6. Provide the parties equal access to review all the evidence collected which is directly  
25 related to the allegations raised in a formal complaint and comply with the review  
26 periods outlined in this process;  
27  
28 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;  
29  
30 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who  
31 facilitate an informal resolution process, do not have a conflict of interest or bias for or  
32 against Complainants or Respondents generally or an individual Complainant or  
33 Respondent;  
34  
35 9. Not make creditability determinations based on the individual’s status as Complainant,  
36 Respondent or witness;  
37  
38 10. Not use questions or evidence that constitute or seek disclosure of privileged  
39 information unless waived.  
40

41 Dismissal of Formal Complaints

42  
43 If the conduct alleged in the formal complaint would not constitute sexual harassment even if  
44 proved, did not occur in the District’s education program or activity, or did not occur against a  
45 person in the United States, then the District must dismiss the formal complaint with regard to  
46 that conduct for purposes of sexual harassment under this policy.



1  
2 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any  
3 time during the investigation or hearing, if applicable, when any of the following apply:

4 5012P  
5 page 5 of 9

- 6  
7 1. a Complainant provides written notification to the Title IX Coordinator that the  
8 Complainant would like to withdraw the formal complaint or any allegations therein;  
9  
10 2. the Respondent is no longer enrolled or employed by the District; or  
11  
12 3. specific circumstances prevent the District from gathering evidence sufficient to reach a  
13 determination as to the formal complaint or allegations therein.  
14

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

19  
20 Evidence Review

21  
22 The District provides both parties an equal opportunity to inspect and review any evidence  
23 obtained as part of the investigation so that each party can meaningfully respond to the evidence  
24 prior to the conclusion of the investigation. The evidence provided by the District must include  
25 evidence that is directly related to the allegations in the formal complaint, evidence upon which  
26 the District does not intend to rely in reaching a determination regarding responsibility, and any  
27 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to  
28 completion of the investigative report, the Title IX Coordinator must send to each party and the  
29 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a  
30 hard copy. The parties have 10 calendar days to submit a written response to the Title IX  
31 Coordinator, which the investigator will consider prior to completion of the investigative report.  
32

33 Investigative Report

34  
35 The investigator must prepare an investigative report that fairly summarizes relevant evidence  
36 and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each  
37 party and the party's advisor, if any, the investigative report in an electronic format or a hard  
38 copy, for their review and written response. The parties have 10 calendar days to submit a  
39 written response to the Title IX Coordinator.  
40

41 Decision-Maker's Determination

42  
43 The investigative report is submitted to the decision-maker. The decision-maker cannot be the  
44 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a  
45 hearing or make a determination regarding responsibility until 10 calendar days from the date the  
46 Complainant and Respondent receive the investigator's report.

1  
2 Prior to reaching a determination regarding responsibility, the decision-maker must afford each  
3 party the opportunity to submit written, relevant questions that a party wants asked of any party  
4

8 or witness, provide each party with the answers, and allow for additional, limited follow-up  
9 questions from each party. Questions and evidence about the Complainant's sexual  
10 predisposition or prior sexual behavior are not relevant, unless such questions and evidence  
11 about the Complainant's prior sexual behavior are offered to prove that someone other than the  
12 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence  
13 concern specific incidents of the Complainant's prior sexual behavior with respect to the  
14 Respondent and are offered to prove consent. Questions must be submitted to the Title IX  
15 Coordinator within three calendar days from the date the Complainant and Respondent receive  
16 the investigator's report.  
17

18 The decision-maker must issue a written determination regarding responsibility based on a  
19 preponderance of the evidence standard. The decision-maker's written determination must:  
20

- 21 1. Identify the allegations potentially constituting sexual harassment;
- 22
- 23 2. Describe the procedural steps taken, including any notifications to the parties,  
24 interviews with parties and witnesses, site visits, methods used to gather evidence, and  
25 hearings held;  
26
- 27 3. Include the findings of fact supporting the determination;  
28
- 29 4. Draw conclusions regarding the application of any District policies and/or code of  
30 conduct rules to the facts;  
31
- 32 5. Address each allegation and a resolution of the complaint including a determination  
33 regarding responsibility, the rationale therefor, any recommended disciplinary  
34 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
35 preserve access to the educational program or activity will be provided by the District  
36 to the Complainant; and  
37
- 38 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal  
39 the determination.  
40

41 A copy of the written determination must be provided to both parties simultaneously, and  
42 generally will be provided within 60 calendar days from the District's receipt of a formal  
43 complaint.  
44

45 The determination regarding responsibility becomes final either on the date that the District  
46 provides the parties with the written determination of the result of the appeal, if an appeal is

1 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered  
2 timely.

3  
4 Where a determination of responsibility for sexual harassment has been made against the

5 5012P  
6 page 7 of 9  
7

8 Respondent, the District will provide remedies to the Complainant that are designed to restore or  
9 preserve equal access to the District's education program or activity. Such remedies may include  
10 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need  
11 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective  
12 implementation of any remedies. Following any determination of responsibility, the District may  
13 implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated  
14 agreement. For employees, the sanctions may include any form of responsive discipline, up to  
15 and including termination.

### 16 Appeals

17  
18  
19 Either the Complainant or Respondent may appeal the decision-maker's determination regarding  
20 responsibility or a dismissal of a formal complaint, on the following bases:

- 21  
22 1. Procedural irregularity that affected the outcome of the matter;
- 23  
24 2. New evidence that was not reasonably available at the time that could affect the  
25 outcome and
- 26  
27 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or  
28 bias for or against Complainants or Respondents generally or an individual  
29 Complainant or Respondent that affected the outcome.

30  
31 The District also may offer an appeal equally to both parties on additional bases.

32  
33 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar  
34 days after the date of the written determination. The appeal decision-maker must not have a  
35 conflict of interest or bias for or against Complainants or Respondents generally or an individual  
36 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the  
37 decision-maker from the original determination.

38  
39 The appeal decision-maker must notify the other party in writing when an appeal is filed and  
40 give both parties a reasonable equal opportunity to submit a written statement in support of, or  
41 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a  
42 written decision describing the result of the appeal and the rationale for the result. The decision  
43 must be provided to both parties simultaneously, and generally will be provided within 10  
44 calendar days from the date the appeal is filed.

### 45 Informal Resolution Process

1  
2 Except when concerning allegations that an employee sexually harassed a student, at any time  
3 during the formal complaint process and prior to reaching a determination regarding  
4 responsibility, the District may facilitate an informal resolution process, such as mediation, that

5 5012P  
6 page 8 of 9  
7

8 does not involve a full investigation and determination of responsibility, provided that the  
9 District:

10  
11 1. Provides to the parties a written notice disclosing:

- 12  
13 A. The allegations;  
14  
15 B. The requirements of the informal resolution process including the circumstances  
16 under which it precludes the parties from resuming a formal complaint arising  
17 from the same allegations, provided, however, that at any time prior to agreeing to  
18 a resolution, any party has the right to withdraw from the informal resolution  
19 process and resume the Title IX formal complaint process with respect to the  
20 formal complaint; and  
21  
22 C. Any consequences resulting from participating in the informal resolution process,  
23 including the records that will be maintained or could be shared.  
24

25 2. Obtains the parties' voluntary, written consent to the informal resolution process.  
26

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

34 Recordkeeping  
35

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

- 37  
38 1. Each sexual harassment investigation, including any determination regarding  
39 responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies  
40 provided to the Complainant designed to restore or preserve equal access to the  
41 District's education program or activity;  
42  
43 2. Any appeal and the result therefrom;  
44  
45 3. Any informal resolution and the result therefrom; and  
46

1 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and  
2 any person who facilitates an informal resolution process. The District must make  
3 these training materials publicly available on its website.  
4

9 The District must create, and maintain for a period of seven years, records of any actions,  
10 including any supportive measures, taken in response to a report or formal complaint of sexual  
11 harassment. In each instance, the District must document the basis for its conclusion that its  
12 response was not deliberately indifferent, and document that it has taken measures designed to  
13 restore or preserve equal access to the District's education program or activity.  
14

15 Cross Reference: Policy 5010 Equal Employment and Non-Discrimination  
16 Policy 5012 Sexual Harassment  
17 Policy 5255 Employee Discipline  
18

19 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
20 Section 49-3-101, et seq., MCA, Montana Human Rights Act  
21 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
22 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
23 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
24 34 CFR Part 106 Nondiscrimination on the basis of sex in  
25 education programs or activities receiving  
26 Federal financial assistance  
27 10.55.701(1)(f), ARM Board of Trustees  
28 10.55.719, ARM Student Protection Procedures  
29 10.55.801(1)(a), ARM School Climate  
30

31 Policy History:

32 Adopted on: 11/10/20

33 Reviewed on:

34 Revised on:

2  
3 **Sexual Harassment Reporting/Intake Form for Employees**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Employee's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12  
13  
14 • Describe the incident(s). \_\_\_\_\_

15  
16  
17  
18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19  
20  
21  
22 • Were other individuals involved in the incident(s)?  yes  no  
23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24  
25  
26  
27  
28 • Did anyone witness the incident(s)?  yes  no  
29 If so, name the witnesses. \_\_\_\_\_

30  
31  
32  
33  
34 • Did you take any action in response to the incident?  yes  no  
35 If yes, what action did you take? \_\_\_\_\_

36  
37  
38  
39  
40 • Were there any prior incidents?  yes  no  
41 If so, describe any prior incidents. \_\_\_\_\_

42  
43  
44  
45 Signature of complainant \_\_\_\_\_

46  
47 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*  
48 *remain confidential in accordance with law and policy.*

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# Clinton Elementary

Adopted on: 05/14/09  
Reviewed on: 04/10/09, 02/10/15

5015

PERSONNEL

Revised on:

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Page 1 of 2

## Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or 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

- “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.
- “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.
- “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere 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, and that has the effect of:
  - a. Physically harming an employee or damaging an employee’s property;
  - b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - c. Creating a hostile working environment.
- “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

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has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with the Board.

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

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference:      Admin. R. Mont. 10.55.701(3)(g)      Board of Trustees  
                                 Admin. R. Mont. 10.55.801(1)(d)      School Climate



## Clinton Elementary

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5 5120

### PERSONNEL

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8 Hiring Process and Criteria

9 The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and for  
10 making hiring recommendations to the Board. The principal will initially screen applicants for  
11 educational support positions. The District will hire highly qualified personnel consistent with budget  
12 and staffing requirements and will comply with Board policy and state law on equal employment  
13 opportunities and veterans' preference. All applicants must complete a District application form to be  
14 considered for employment.

15  
16 Every applicant must provide the District with written authorization for a criminal background  
17 investigation. The Superintendent will keep any conviction record confidential as required by law and  
18 District policy. The district will create a determination sheet from the criminal history record. The  
19 determination sheet will be kept on file at the District Office. The Criminal History Record with no  
20 disqualifiers may be shredded on site immediately after review. The Criminal History Record with  
21 disqualifiers will be retained on file at the District Office according to law. Every newly hired employee  
22 must complete an Immigration and Naturalization Service form, as required by federal law.  
23

24  
25 Certification

26 The District requires its' contracted certified staff to hold valid Montana teacher or specialist certificates  
27 endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement  
28 shall be just cause for termination of employment. No salary warrants may be issued to a staff member,  
29 unless a valid certificate for the role to which the teacher has been assigned has been registered with the  
30 county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and  
31 administrator under contract must bring their current, valid certificate to the personnel office at the time  
32 of initial employment, as well as at the time of each renewal of certification.  
37

38 The personnel office will register all certificates, noting class and endorsement of certificates, and will  
39 update permanent records as necessary. The personnel office also will retain a copy of each valid  
40 certificate of a contracted certified employee in that employee's personnel file.

41 41

42 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

43  
44 Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration  
45 § 39-29-102, MCA Point preference or alternative preference in initial hiring  
46 for certain applicants – substantially equivalent selection  
47 procedure

48 No Child Left Behind Act of 2001 (P.L. 107-110)

49 Adm in. R. Mont. 37.1 14.1010 Employee of School: Day Care Facility Care  
50 Provider

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5121

PERSONNEL

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Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between terms of a collective bargaining agreement and District policy, the law provides that the terms of the collective bargaining agreement shall prevail for staff covered by that agreement.

Board policies will govern when a matter is not specifically provided for in an applicable collective bargaining agreement.

Legal Reference: § 39-31-102, MCA Chapter not limit on legislative authority

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

5122

PERSONNEL

Fingerprints and Criminal Background Investigations

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.

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 in a manner consistent with the expectations and standards set by the board. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified teacher seeking full- or part-time employment with the District;
- An educational support personnel employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Substitute teachers.\*

*\*The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by the trustees, if the substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002 and who has continued to substitute yearly thereafter.*



**AUTHORIZATION TO RELEASE INFORMATION,  
INCLUDING CONSENT TO FINGERPRINT BACKGROUND CHECK**

5122F

To Whom It May Concern:

I, \_\_\_\_\_, am ( ) an employee of the District, am seeking ( ) employment, ( ) volunteer assignment, ( ) and/or approval to be selected as an on-call substitute with \_\_\_\_\_ School District (the District). I hereby expressly authorize release of any and all information of a confidential or privileged nature, **including confidential criminal justice information as defined in § 44-5-103(3), MCA**, to the staff of the District and its agents. **I will provide a set of fingerprints, and understand that a fingerprint background check will be at my expense.**

I  have  have not [*check one*] been convicted or adjudicated\* of any crime in any jurisdiction, besides minor traffic offenses. Attached, if necessary, is a complete description of the circumstances surrounding the crime(s) of which I have been convicted or adjudicated in any jurisdiction. I acknowledged 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 as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34. I further acknowledge that my access to children may be denied prior to completion of the fingerprint background check. \* *Adjudication – A passing of judgment of a court of law or a decision of a judge.*

I hereby release the District and any organization, company, institution, or person furnishing information to the District and its agents as expressly authorized above, from any liability for damages which may result from any dissemination of the information requested, subject to provisions of Title 44, Chapter 5, Part 3, MCA.

**All statements and information provided within this application and attachments, if any, are true and complete. I understand that omission or misrepresentation of material fact may result in refusal of or suspension from employment.**

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Print full name: \_\_\_\_\_

Print full address: \_\_\_\_\_  
STREET CITY STATE ZIP

Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

STATE OF MONTANA )

: ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public for the state of Montana, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Authorization to Release Information, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

( S E A L ) \_\_\_\_\_ [name]  
NOTARY PUBLIC for the state of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

[Clinton Elementary]

Adopted on: 02/10/15

Reviewed on:

Revised on:

5125

PERSONNEL

Page 1 of 2

Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Superintendent or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a

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4 public body, or because an employee is requested by a public body to participate in an investigation,  
5 hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not  
6 discharge, discipline or otherwise penalize any employee because the employee, or a person acting on  
7 his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning  
8 unethical practices, mismanagement or abuse of authority by the employer. This section does not apply  
9 when an employee knowingly makes a false report.

10  
11 The District will exercise reasonable efforts to:

- 12  
13 • investigate any complaints of retaliation or interference made by whistle blowers;  
14 • take immediate steps to stop any alleged retaliation; and  
15 • discipline any person associated with the District found to have retaliated against or interfered  
16 with a whistle blower.

17  
18 The Board of Trustees considers violations of this policy to be a major offense that will result in  
19 disciplinary action, up to and including termination, against the offender, regardless of the offender's  
20 position within the District.

21  
22 The Board shall make this policy available to its staff by posting it on its website with its other District  
23 policies.

24  
25  
26  
27 Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)  
28 Age Discrimination in Employment Act, 29 U.S.C. §623 (d)  
29 Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)  
30 Fair Labor Standards Act, 29 U.S.C. §215(a)(3)  
31 Occupational Safety and Health Act, 29 U.S.C. §6660(c)  
32 Family and Medical Leave Act, 29 U.S.C. §2615  
33 National Labor Relations Act, 29 U.S.C. §158(a)  
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# Clinton Elementary

Adopted on: 08/11/09  
Reviewed on: 06/09/09, 02/10/15

5130

PERSONNEL

Revised on:

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Page 1 of 2

## Staff Health

### Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

### Physical Examinations

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee's ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

### Communicable Diseases

If a staff member has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.



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An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee’s primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Legal Reference:	29 U.S.C. § 794, <i>et seq.</i>	Section 504 of the Rehabilitation Act
	42 U.S.C. § 12101, <i>et seq.</i>	Americans with Disabilities Act
	29 CFR, Part 1630.14(c)	Examination of employees
	Title 49, Chapter 2, MCA	Illegal Discrimination
	Title 49, Chapter 4, MCA	Rights of Persons With Disabilities
	§ 20-10-103(4), MCA	School bus driver qualifications
	Admin. R. Mont. 37.114.1010	Employee of School: Day Care
		Facility Care Provider
	Admin. R. Mont. 37.111.825	Health Supervision and Maintenance

Clinton Elementary

PERSONNEL

5140

Classified Employment and Assignment

Employees designated as “classified” employees include all non-teaching positions or duties in the District.

Each newly hired classified employee will either be hired: (1) as a probationary employee, or (2) immediately be placed on a written contract for a specific term with a beginning and ending date, within the meaning of Section 39-2-912(2), MCA. Employees initially hired on a written contract for a specific term will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

For those employees hired as probationary employees, such employees will be required to complete a probationary period of 10 months. The Board authorizes the Superintendent to extend the probationary period in a manner permitted by law. Any extension of the probationary period by the Superintendent, together with the original probationary period, may not exceed a total of 18 months. Leaves of absence by an employee for a period of more than 5 consecutive working days other than holidays or vacations during the probationary period will not be counted as part of the probationary period.

During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Prior to the conclusion of the original or extended probationary period, the Superintendent will determine whether to retain the employee or make a recommendation to the Board for termination of probationary employment. If the employee is retained, the employee will be designated as one of the following types of employees depending on the factors noted.

Designation 1: If, before the probationary period concludes, the employee is placed on a written employment contract, the employment contract shall be a written contract of employment for a specific term with a beginning and ending date, within the meaning of Section 39-2-912(2), MCA. The employee will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

If the employee is issued subsequent contracts for a specific term following the initial contract, a probationary period will not apply. The employee will be subject to terms of the contract including the beginning and ending date, within the meaning of Section 39-2-912(2), MCA. The employee will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

1. Subject to any applicable collective bargaining agreement, the District reserves the right to: (1)
2. change employment conditions affecting an employee's duties, assignment, supervisor, or grade
3. and/or (2) determine the salary and benefits for classified employees.

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- 6.
- 7.

8. Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive  
9. probationary period

10. § 39-2-912, MCA Exemptions

11

12. Policy History:

13. Adopted on: November 9, 2021

14. Reviewed on: November 9, 2021

15. Revised on: November 1, 2021

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

5210

PERSONNEL

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Assignments, Reassignments, Transfers

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff according to the current collective bargaining agreement. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified Staff

The District retains the right of assignment, reassignment, and transfer. Written notice of reassignment or involuntary transfer will be given to the employee. The staff member will be given opportunity to discuss the proposed transfer or reassignment with the Superintendent.

Teaching

All teachers shall be given written notice of their schedules for the forthcoming year by no later than May 20 of the current school year. All District employees assigned extracurricular activities as a contract obligation must honor this obligation as a condition of employment unless released from this responsibility by the Board.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.

- Legal Reference:
- Bonner School District No. 14 v. Bonner Education Association, MEA-MFT, NEA, AFT, AFL-CIO*, (2008) 2008 MT 9
  - § 20-4-402, MCA      Duties of District Superintendent or County High School Principal
  - ARM 10.55.602      Definition of Internship
  - ARM 10.55.607      Internships

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

5213

PERSONNEL

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Vacancies

When the District determines that a vacancy exists, that vacancy may be posted according to the language in the current collective bargaining agreement.

Vacancies may be advertised in-District only or they may be advertised in-District and through job service, Career Services at a college or university, local public advertising, and, where appropriate and if time permits, through a broader regional and/or national basis. A vacancy need not be advertised, as determined by the Superintendent.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5221

PERSONNEL

Revised on:

Work Day

Length of Work Day - Certified Staff

The current collective bargaining agreement sets forth all conditions pertaining to the certified work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the principal or as stipulated in the agreement.

Length of Work Day - Classified Staff

The length of a work day for classified staff is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by an individual contract. Supervisors will establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

Breaks

A daily morning and afternoon rest periods of fifteen (15) minutes to all full-time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest period for each four (4) hours worked in a day. Breaks normally are to be taken approximately mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with approval of the employee’s supervisor.

Legal Reference:	29 U.S.C. §§ 201 to 219	Fair Labor Standards Act of 1985
	29 C.F.R. Part 516, <i>et seq.</i>	Records to be kept by employers
	§ 39-3-405, MCA	Overtime compensation
	§ 39-4-107, MCA	State and municipal governments, school districts, mines, mills, and smelters
	Admin. R. Mont.10.65.103(2)	Program of Approved Pupil Instruction-Related Days
	Admin. R. Mont. 24.16.101,	Wages and Hours
	Admin. R. Mont. 24.16.1006	Rest and Meal Periods

## Clinton School District

### PERSONNEL

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page 1 of 1

#### Evaluation of Non-Administrative Staff

Each non-administrative staff member's job performance will be evaluated by the staff member's direct supervisor. Certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement if applicable. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator's duties. Employees have a right to access to the evaluation instrument and a right to respond in writing to the completed evaluation.

Employees shall be evaluated on a regular basis. Classified employees shall be provided performance feedback at least once each year. The Superintendent shall designate who shall perform the evaluations of each employee; normally they will be done by the employee's supervisor. The Superintendent will develop an evaluation instrument for each position within the District.

For employees covered by a negotiated agreement, there may be additional considerations or conditions defined in that document. In such situations, those aspects will be used to guide the evaluation process. Where a specific conflict exists between those agreements and this policy, the requirements of the negotiated agreement shall prevail.

Legal Reference:

**10.55.601, ARM**  
**10.55.724, ARM**

**Accreditation Standards: Procedures**  
**Evaluation**

#### Policy History:

Adopted on: 2/10/23

Reviewed on:

Revised on: 11/14/23

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5223

PERSONNEL

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Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of District business.

In accordance with state law, an employee should not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee’s District duties. A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose the nature of the private interest which would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee’s duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee’s duties or learned as a result of the employee’s participation in a closed (executive) session of the Board. Discretion should be used even within the school system’s own network of communication and confidential information should only be communicated on a need to know basis.

Administrators and supervisors may set forth specific rules and regulations governing staff conduct on the job within a particular building.

Legal Reference:	§ 20-1-201, MCA	School officers not to act as agents
	Title 2, Chapter 2, Part 1	Standards of Conduct
	§ 39-2-102, MCA	What belongs to employer



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5224

PERSONNEL

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Political Activity

The Board recognizes its employees’ rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. An employee elected to office is entitled to take a leave of absence without pay, in accordance with the provisions of § 39-2-104, MCA.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

Legal Reference:	5 U.S.C. § 7321	Hatch Act
	§ 39-2-104, MCA	Mandatory leave of absence for employees holding public office
	§ 13-35-226, MCA	Unlawful acts of employers and employees

## Clinton School District

### PERSONNEL

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page 1 of 2

#### Tobacco, Marijuana, Alcohol and Drug-Free Workplace

All District workplaces are tobacco-, marijuana-, drug-, and alcohol-free. All employees are prohibited from:

1. Smoking or otherwise using a tobacco product, vapor product, or alternative nicotine product, or marijuana product (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation) (marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping) while on District property or while performing work for the District;
2. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District, including employees possessing a “medical marijuana” card.
3. Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

Nothing herein prohibits an employee from using a smoking cessation product on school property. Upon prior notice and approval by a building administrator, a teacher or other employee may possess a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on school property as part of a lecture, demonstration, or educational forum concerning the risks associated with the use of a tobacco product, vapor product, or alternative nicotine product.

For purposes of this policy, a controlled substance is one that is:

1. Not legally obtainable;
2. Being used in a manner other than as prescribed;
3. Legally obtainable but has not been legally obtained; or
4. Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

1. Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

1. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
2. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
3. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
4. Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

#### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program. The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference:	41 USC §§ 702, 703, 706	Drug-free workplace requirements for Federal grant recipients
	§ 20-1-220, MCA	Use of tobacco products in public school building or on public school property prohibited (revised by House Bill 128)
	§ 50-46-205(2)(b), MCA	Limitations of Medical Marijuana Act

#### Policy History:

Adopted on: 10/12/10

Reviewed on: 2/10/15

Revised on: 7/18/23

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

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PERSONNEL

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Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District will adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, *et seq.* The Superintendent will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

Legal Reference: 49 U.S.C. §§ 45101, *et seq.* Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)  
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled substance and alcohol use and testing), and 395 (Hours of service of drivers)

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5228P - R

PERSONNEL

Revised on:

Page 1 of 5

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:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
- Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

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4 Drivers shall make themselves readily available for testing, absent the need for immediate  
5 medical attention.

6  
7 No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she  
8 undergoes a post-accident alcohol test, whichever occurs first.

9  
10 If an alcohol test is not administered within two (2) hours or if a drug test is not administered  
11 within thirty-two (32) hours, the District shall prepare and maintain records explaining why the  
12 test was not conducted. Tests will not be given if not administered within eight (8) hours after  
13 the accident for alcohol or within thirty-two (32) hours for drugs.

14  
15 Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing  
16 requirements, provided they conform to applicable legal requirements and are obtained by the  
17 District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled  
18 substance testing obligations.

#### 19 20 Random Tests

21  
22 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for  
23 alcohol shall be conducted just before, during, or just after the performance of safety-sensitive  
24 functions. The number of random alcohol tests annually must equal twenty-five percent (25%)  
25 of the average number of driver positions. The number of random drug tests annually must equal  
26 fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a  
27 scientifically valid random process, and each driver shall have an equal chance of being tested  
28 each time selections are made.

#### 29 30 Reasonable Suspicion Tests

31  
32 Tests shall be conducted when a supervisor or District official trained in accordance with law has  
33 reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This  
34 reasonable suspicion must be based on specific, contemporaneous, articulable observations  
35 concerning the driver's appearance, behavior, speech, or body odors. The observations may  
36 include indications of the chronic and withdrawal effects of controlled substances.

37  
38 Alcohol tests are authorized for reasonable suspicion only if the required observations are made  
39 during, just before, or just after the period of the work day when the driver must comply with  
40 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that  
41 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within  
42 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain  
43 a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate  
44 after eight (8) hours.

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4 A supervisor or District official who makes observations leading to a controlled substance  
5 reasonable suspicion test shall make a written record of his/her observations within twenty-four  
6 (24) hours of the observed behavior or before the results of the drug test are released, whichever  
7 is earlier.

#### 8 9 Enforcement

10  
11 Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up  
12 test shall not perform or continue to perform safety-sensitive functions.

13  
14 Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and  
15 including termination of employment.

16  
17 A driver who violates District prohibitions related to drugs and alcohol shall receive from the  
18 District the names, addresses, and telephone numbers of substance abuse professionals and  
19 counseling and treatment programs available to evaluate and resolve drug and alcohol-related  
20 problems. The employee shall be evaluated by a substance abuse professional who shall  
21 determine what help, if any, the driver needs in resolving such a problem. Any substance abuse  
22 professional who determines that a driver needs assistance shall not refer the driver to a private  
23 practice, person, or organization in which he/she has a financial interest, except under  
24 circumstances allowed by law.

25  
26 An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated  
27 by a substance abuse professional to determine that he/she has properly followed the prescribed  
28 rehabilitation program and shall be subject to unannounced follow-up tests after returning to  
29 duty.

#### 30 31 Return-to-Duty Tests

32  
33 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or  
34 alcohol prohibition returns to performing safety-sensitive duties.

35  
36 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function  
37 until the return-to-duty drug test produces a verified negative result.

38  
39 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function  
40 until the return-to-duty alcohol test produces a verified result that meets federal and District  
41 standards.

#### 42 43 Follow-Up Tests

44  
45 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by  
46 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall

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4 be subject to unannounced follow-up testing as directed by the substance abuse professional in  
5 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just  
6 after the time when the driver is performing safety-sensitive functions.

7  
8 Records

9  
10 Employee drug and alcohol test results and records shall be maintained under strict  
11 confidentiality and released only in accordance with law. Upon written request, a driver shall  
12 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records  
13 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent  
14 employer or other identified persons only as expressly requested in writing by the driver.

15  
16 Notifications

17  
18 Each driver shall receive educational materials that explain the requirements of the Code of  
19 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and  
20 regulations for meeting these requirements. Representatives of employee organizations shall be  
21 notified of the availability of this information. The information shall identify:

- 22  
23 1. The person designated by the District to answer driver questions about the materials;  
24  
25 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,  
26 Part 382;  
27  
28 3. Sufficient information about the safety-sensitive functions performed by drivers to make  
29 clear what period of the work day the driver is required to comply with Part 382;  
30  
31 4. Specific information concerning driver conduct that is prohibited by Part 382;  
32  
33 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part  
34 382;  
35  
36 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the  
37 driver and the integrity of the testing processes, safeguard the validity of test results, and  
38 ensure that test results are attributed to the correct driver;  
39  
40 7. The requirement that a driver submit to drug and alcohol tests administered in accordance  
41 with Part 382;  
42  
43 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the  
44 attendant consequences;  
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4 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of  
5 Part 382, including the requirement that the driver be removed immediately from safety-  
6 sensitive functions and the procedures for referral, evaluation, and treatment;  
7  
8 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater  
9 but less than 0.04; and  
10  
11 11. Information concerning the effects of drugs and alcohol on an individual's health, work,  
12 and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a  
13 coworker's); and available methods of intervening when a drug or alcohol problem is  
14 suspected, including confrontation, referral to an employee assistance program, and/or  
15 referral to management.  
16

17 Drivers shall also receive information about legal requirements, District policies, and  
18 disciplinary consequences related to the use of alcohol and drugs.  
19

20 Each driver shall sign a statement certifying that he/she has received a copy of the above  
21 materials.  
22

23 Before any driver operates a commercial motor vehicle, the District shall provide him/her with  
24 post-accident procedures that will make it possible to comply with post-accident testing  
25 requirements.  
26

27 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are  
28 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be  
29 provided only after the compliance date specified in law.  
30

31 The District shall notify a driver of the results of a pre-employment drug test if the driver  
32 requests such results within sixty (60) calendar days of being notified of the disposition of his/  
33 her employment application.  
34

35 The District shall notify a driver of the results of random, reasonable suspicion, and post-  
36 accident drug tests if the test results are verified positive. The District shall also tell the driver  
37 which controlled substance(s) were verified as positive.  
38

39 Drivers shall inform their supervisors if at any time they are using a controlled substance which  
40 their physician has prescribed for therapeutic purposes. Such a substance may be used only if  
41 the physician has advised the driver that it will not adversely affect his/her ability to safely  
42 operate a commercial motor vehicle.  
43

44 Legal Reference: 49 C.F.R. Part 40 Procedures for Transportation Workplace Drug and  
45 Alcohol Testing  
46 49. C.F.R. Part 382 Controlled Substances and Alcohol Use and Testing  
47

1 **Clinton School District**

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3 **PERSONNEL**

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5 Prevention of Disease Transmission

6  
7 All District personnel shall be advised of routine procedures to follow in handling body fluids.  
8 These procedures, developed in consultation with public health and medical personnel, shall  
9 provide simple and effective precautions against transmission of diseases to persons exposed to  
10 the blood or body fluids of another. The procedures shall follow standard health and safety  
11 practices. No distinction shall be made between body fluids from individuals with a known  
12 disease or infection and from individuals without symptoms or with an undiagnosed disease.  
13

14 The District shall provide training on procedures on a regular basis. Appropriate supplies shall  
15 be available to all personnel, including those involved in transportation and custodial services.  
16

17 The District shall provide soap and disposable towels or other hand-drying devices shall be  
18 available at all handwashing sinks. Common-use towels are prohibited. The District shall provide  
19 sanitary napkin disposal in teachers' toilet rooms and nurses' toilet rooms. The District shall  
20 provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some  
21 other readily available on-site access to sanitary napkins.  
22

23 If a staff member develops symptoms of any reportable communicable or infectious illness  
24 while at school, the responsible school officials shall do the following:

- 25  
26 (a) isolate the staff member immediately from students or staff  
27 (b) consult with a physician, other qualified medical professional, or the local county  
28 health authority to determine if the case should be reported.  
29

30 **Healthy Hand Hygiene Behavior**

31  
32 All staff and volunteers present in any school building shall engage in hand hygiene at the  
33 following times, which include but are not limited to:

- 34 (a) Arrival to the facility and after breaks  
35 (b) Before and after preparing, eating, or handling food or drinks  
36 (c) Before and after administering medication or screening temperature  
37 (d) After coming in contact with bodily fluid  
38 (e) After recess  
39 (f) After handling garbage  
40 (g) After assisting students with handwashing  
41 (h) After use of the restroom  
42

43 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20  
44 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol  
45 can be used if soap and water are not readily available.  
46

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5 Staff members shall supervise children when they use hand sanitizer and soap to prevent  
6 ingestion. Staff members shall place grade level appropriate posters describing handwashing  
7 steps near sinks.

8  
9 **Confidentiality**

10  
11 This policy in no way limits or adjusts the School District’s obligations to honor staff privacy  
12 rights. All applicable district policies and handbook provision governing confidentiality of staff  
13 medical information remain in full effect.

14  
15 Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control  
16 37.111.825, ARM Health Supervision and Maintenance  
17

18  
19 Policy History:

20 Adopted on: 5/9/23

21 Reviewed on:5/8/23

22 Revised on:

## Clinton School District

### PERSONNEL

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page 1 of 1

#### Personnel Records

The District maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office, under the Superintendent's direct supervision. Employees will be given access to their personnel records, in accordance with guidelines developed by the Superintendent.

In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. When specifically authorized by the Board, counsel retained by the Board or by the employee will also have access to a cumulative personnel file.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school.

Personnel records must be kept for 10 years after termination.

Legal Reference:	Admin. R. Mont. 10.55.701(5)	Board of Trustees
	Admin. R. Mont. 10.55.724	Evaluation
	§ 20-1-212(2), MCA	Destruction of records by school officer

#### Policy History:

Adopted on: 9/10/13

Reviewed on: 2/10/15

Revised on: 11/14/23

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# Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5231P

## PERSONNEL

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Page 1 of 2

### Personnel Records

The District shall maintain a cumulative personnel file in the administrative office for each of its employees, as required by the Office of Public Instruction and current personnel policies. These records are not to leave the administrative office except as specifically authorized by the Superintendent, and then only by signed receipt. Payroll records are maintained separately.

### Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee's work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Superintendent, as indicated by the Superintendent's initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the Superintendent shall take reasonable steps to obtain the employee's initials or signature verifying that the employee has received a copy of the material. If the employee refuses to sign the document indicating that the employee has had an opportunity to read it, the Superintendent will place an addendum to the document, noting that the employee was given a copy but refused to sign. The Superintendent will date and sign the addendum.

### Disposition of Personnel Files

An employee, upon termination, may request transcripts of college and university work. Any confidential college or university placement papers shall be returned to the sender or destroyed at the time of employment. All other documents shall be retained and safeguarded by the District for such periods as prescribed by law.

### Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:
  - A. Name in full (same name as used for Social Security);
  - B. Employee's home address, including zip code;

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- C. Date of birth if under the age of nineteen (19);
- D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
- E. Time of day and day of week on which the employee’s workweek begins;
- F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
- G. Any payment made which is not counted as part of the “regular rate”;
- H. Total wages paid each pay period.
- I. Occupation

2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any workweek (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
- E. Total overtime premium pay for a workweek;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
- L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

All records obtained in the application and hiring process shall be maintained for at least two (2) years.

Legal Reference:	29 USC §§ 201, <i>et seq.</i> §§ 2-6-101, <i>et seq.</i> , MCA Admin. R. Mont. 24.9.805 29 C.F.R. Part 516	Fair Labor Standards Act Public Records Generally Employment Records Records to be kept by employers
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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5232  
09/10/13

PERSONNEL

Revised on:

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent or principal that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the DPHHS may share information with that individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in 41-3-205.

Legal Reference:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5232F

PERSONNEL

Revised on:

**Clinton Elementary School District  
Report of Suspected Child Abuse or Neglect  
Hot Line Number – 866-820-5437**

Original to: Department of Public Health and Human Services  
Copy to: Building Principal

From: \_\_\_\_\_ Title: \_\_\_\_\_

School: \_\_\_\_\_ Phone: \_\_\_\_\_

Persons contacted:  Principal  Teacher  School Nurse  Other \_\_\_\_\_

Name of Minor: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of Report: \_\_\_\_\_ Attendance Pattern: \_\_\_\_\_

Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Guardian or  
Stepparent: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Any suspicion of injury/neglect to other family members: \_\_\_\_\_

Nature and extent of the child's injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused or neglected: \_\_\_\_\_

Previous action taken, if any: \_\_\_\_\_

Follow-up by Department of Public Health and Human Services (DPHHS to complete and return copy to the Building Principal):

Date Received: \_\_\_\_\_ Date of Investigation: \_\_\_\_\_



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5240 - R

PERSONNEL

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Resolution of Staff Complaints/Problem-Solving

As circumstances allow, the District will attempt to provide the best working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately by District supervisors or administration.

The District will endeavor to promote fair and honest treatment of all employees. Administrators and employees are all expected to treat each other with mutual respect. Each employee has the right to express his or her views concerning policies or practices to the administration in a businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and constructive criticism.

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District's grievance procedure. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. **An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.**

Cross Reference: 1700 Uniform Complaint Procedure

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5250

PERSONNEL

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Revised on:

Non-Renewal of Employment/Dismissal From Employment

The Board, after receiving the recommendations of the Superintendent, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable District policy.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: § 20-3-324(2), MCA Trustee Powers and Duties  
§ 20-4-204, MCA Termination of tenure teacher services  
§ 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination.  
§ 20-4-207, MCA Dismissal of teacher under contract  
§ 39-2-912, MCA Exemptions to Wrongful Discharge from Employment Act

Clinton Elementary

Adopted on: 11/13/07

Reviewed on:

5251  
02/10/15

PERSONNEL

Revised on:

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Resignations

The Board authorizes the Superintendent to accept on its behalf resignations from any 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 not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

Legal Reference: *Booth v. Argenbright*, 225 Mont. 272, 731 P.2d 1318 (1987)

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5253

PERSONNEL

Revised on:

Retirement Programs for Employees

All District employees shall participate in retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System in accordance with state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing according to terms of the current collective bargaining agreement.

Those employees intending to retire, who are not contractually obligated to complete the school year, should notify the Superintendent as early as possible and no less than sixty (60) days before their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends, if any, and other retirement conditions and benefits.

The District will contribute to the PERS whenever a classified employee is employed for more than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year. Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS coverage, at their option and in accordance with § 19-3-412, MCA.

Legal Reference:	Title 19, Chapter 1, MCA	Social Security
	Title 19, Chapter 3, MCA	Public Employees' Retirement System
	Title 19, Chapter 20, MCA	Teachers' Retirement

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

5254

PERSONNEL

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Payment of Employer Contributions and Interest on Previous Service

A Public Employees' Retirement System (PERS) member may purchase: (1) all or a portion of the member's employment with an employer prior to the time the employer entered into a contract for PERS coverage; and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with the PERS Board to purchase all or a portion of the employment for service credit and membership service. The application must include salary information certified by the member's employer or former employer.

The District has the option to pay, or not to pay, the employer's contributions due on previous service and the option to pay, or not to pay, the outstanding interest due on the employer's contributions for the previous service.

It is the policy of this District to not pay the employer's contributions due on previous service.

It is also the policy of this District to not pay the outstanding interest due on the employer's contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of this District.

The District opts to not pay the employer's contributions due on previous service and the outstanding interest due on the employer's contributions for previous service; therefore, the employee shall pay the amount not paid by the employer in order to receive service credit and membership service for the period of employment.

Legal Reference: § 19-3-505, MCA Purchase of previous employment with employer

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

5254F

PERSONNEL

**I. Section 19-3-505, MCA**

**Payment of Employer Contributions and Interest on Previous Service**

A Public Employees' Retirement System (PERS) member may purchase (1) all or a portion of the member's employment with an employer prior to the time the employer entered into a contract for PERS coverage and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service). PERS employers must establish policies regarding payment of employer contributions and employer interest due for the previous service being purchased by an employee. The policy must be applied indiscriminately to all employees and former employees. Thus, it is our policy to:

not pay the employer's contributions due on previous service.

and to:

not pay the outstanding interest due on the employer's contributions for the previous service.

NAME OF EMPLOYER \_\_\_\_\_

Signature of Officer: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_.

Clinton Elementary

Adopted on:  
Reviewed on:

5255

PERSONNEL

Revised on: 10/12/10, 02/10/15

Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or other legitimate reasons. The Superintendent or the Board may order an investigation into the employee’s conduct when warranted by the circumstances.

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor’s right to reprimand an employee and the Superintendent’s right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

The District’s restrictions on students who have brought to, or possess a firearm at, any setting that is under the control and supervision of the school district and a student who has been found to have possessed, used or transferred a weapon on school district property apply to all employees of the District pursuant to Policy 3311.

The Superintendent is authorized to immediately suspend a staff member.

Cross Reference      Policy 3311      Firearms and Weapons

Legal Reference:	§ 20-3-210, MCA	Controversy appeals and hearings
	§ 20-3-324, MCA	Powers and duties
	§ 20-4-204, MCA	Termination of tenure teacher services
	§ 20-4-207, MCA	Dismissal of teacher under contract
	§ 39-2-903, MCA	Definitions
	<i>Johnson v. Columbia Falls Aluminum Company LLC</i> , 2009 MT 108N.	

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5256

PERSONNEL

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Reduction in Force

The Board has exclusive authority to determine the appropriate number of employees. A reduction in certified employees may occur as a result of but not be limited to changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board.

The Board will follow the procedure stated in the current collective bargaining agreement when considering a reduction in force. The reduction in certified employees, other than administrators, will generally be accomplished through normal attrition when possible. The Board may terminate certified employees, if normal attrition does not meet the required reduction in force.

The Board will consider performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

Cross Reference: 5250 Non-Renewal of Employment/Dismissal From Employment

Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination



Clinton Elementary

Adopted on:  
Reviewed on:

5314  
02/10/15

PERSONNEL

Revised on: 08/09/05,

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Substitutes

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The principal shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute. A substitute teacher may be employed to carry on a teacher’s duties not to exceed 35 consecutive teaching days.

If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of Admin. R. Mont. 10.57.107.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

All substitute teachers will be required to undergo fingerprint and background checks.

Legal Reference: Admin. R. Mont. 10.55.716 Substitute teachers

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on:

5321  
02/10/1510/11/05

PERSONNEL

Leaves of Absence

Certified employees will be granted leave according to terms of their collective bargaining agreement.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee’s immediate family. “Immediate family” is defined as the employee’s spouse and children residing in the employee’s household. Sick leave may be used by an employee when they are unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee’s child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency’s discretion, to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

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4 It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave  
5 credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave  
6 is cause for disciplinary action up to and including termination of employment.

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8 An employee who has suffered a death in the immediate family will be eligible for bereavement  
9 leave. Bereavement leave must be approved by the Board. Such leave will not exceed three (3)  
10 months unless prescribed by a physician.

### 11 Personal and Emergency Leave

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14 Teachers will be granted personal and emergency leave according to terms of the current  
15 collective bargaining agreement. Upon recommendation of the Superintendent, and in  
16 accordance with law and District policy, classified staff may be granted personal leave pursuant  
17 to the following conditions:

- 18  
19 1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by  
20 the District, leave approval will so state.
- 21  
22 2. Leave will be granted in hourly units.
- 23  
24 3. Notice of at least one (1) week is required for any personal leave of less than one (1) week;  
25 notice of one (1) month is required for any personal leave exceeding one (1) week.
- 26  
27 4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional  
28 circumstances, to grant personal leave to employees not covered by sick or annual leave.  
29 The employee will not receive fringe benefits during any personal leave of greater than  
30 fifteen (15) days. During the leave, the employee may pay the District's share of any  
31 insurance benefit program in order to maintain those benefits, provided that is acceptable to  
32 the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave  
33 credits or any other benefits during the approved leave of absence.

### 34 Civic Duty Leave

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37 Leaves for service on either a jury or in the Legislature will be granted in accordance with state  
38 and federal law. A certified staff member hired to replace one serving in the Legislature does not  
39 acquire tenure.

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41 An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to  
42 receive regular salary or to take annual leave during jury time. An employee who elects not to  
43 take annual leave, however, must remit to the District all juror and witness fees and allowances  
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4 (except for expenses and mileage). The District may request the court to excuse an employee  
5 from jury duty, when an employee is needed for proper operation of the school.  
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9	Legal Reference:	42 U.S.C §2000e	Equal Employment Opportunities
10		§ 2-18-601(15), MCA	Definitions
11		§ 2-18-618, MCA	Sick leave
12		§ 2-18-619, MCA	Jury Duty – Service as Witness
13		§ 39-2-104, MCA	Mandatory Leave of Absence for employees
14			Holding public office
15		§ 49-2-310, MCA	Maternity leave – unlawful acts of
16			employers
17		§ 49-2-311, MCA	Reinstatement to job following
18			pregnancy- related leave of absence
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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5321P

PERSONNEL

Conditions for Use of Leave

Certified staff may use sick leave for those instances listed in the current collective bargaining agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-related disability, including prenatal care, birth, miscarriage, or abortion; parental leave for a permanent employee as provided in § 2-18-606, MCA; quarantine resulting from exposure to contagious disease; medical, dental, or eye examination or treatment; necessary care of or attendance to an immediate family member or, at the District’s discretion, another relative for the above reasons until other attendants can reasonably be obtained; and death or funeral attendance for an immediate family member. Leave without pay may be granted to employees upon the death of persons not included in this list.

Accrual and Use of Sick Leave Credits

Certified employees will accrue and may use their sick leave credits according to the current collective bargaining agreement.

Classified employees serving in positions that are permanent full-time, seasonal full-time, or permanent part-time are eligible to earn sick leave credits, which will accrue from the first (1<sup>st</sup>) day of employment. A classified employee must be employed continuously for a qualifying period of ninety (90) calendar days in order to use sick leave. Unless there is a break in service, an employee only serves the qualifying period once. After a break in service, an employee must again complete the qualifying period to use sick leave. Sick leave may not be taken in advance nor may leave be taken retroactively. A seasonal classified employee may carry over accrued sick leave credits to the next season if management has a continuing need for the employee or, alternatively, may be paid a lump sum for accrued sick leave credits when the season ends.

Employees, whether classified or certified, simultaneously employed in two (2) or more positions, will accrue sick leave credits in each position according to the number of hours worked or a proration of the contract (in the case of certified) worked. Leave credits will be used only from the position in which the credits were earned and with approval of the supervisor or appropriate authority for that position. Hours in a pay status paid at the regular rate will be used to calculate leave accrual. Sick leave credits will not accrue for those hours exceeding forty (40) hours in a workweek, which are paid as overtime hours or recorded as compensatory time. A full-time employee will not earn less than nor more than the full-time sick leave accrual rate provided classified employees.

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay in excess of fifteen (15) working days, the amount of time an employee is on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding fifteen (15) working days is not a

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break in service, and the employee will not lose any accrued sick leave credits nor lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of fifteen (15) working days or less will be counted as time earned toward the ninety-(90)-day qualifying period.

Calculation of Sick Leave Credits

Certified employees will earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees will earn sick leave credits at the rate of twelve (12) working days for each year of service. Sick leave credits will be prorated for part-time employees who have worked the qualifying period. The payroll office will refine this data by keeping records per hour worked.

Sick Leave Banks

Donation of sick leave credits to and use of sick leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

Lump-Sum Payment on Termination of Classified Employees

When a classified employee terminates employment with the District, the employee is entitled to cash compensation for one-fourth (1/4) of the employee’s accrued and unused sick leave credits, provided the employee has worked the qualifying period. The value of unused sick leave is computed based on the employee’s salary rate at the time of termination.

Industrial Accident

An employee who is injured in an industrial accident may be eligible for workers’ compensation benefits. Use of sick leave must be coordinated with receipt of workers’ compensation benefits on a case-by-case basis, by contacting the Montana Schools Group Workers’ Compensation Risk Retention Program (WCRRP).

Sick Leave Substituted for Annual Leave

A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

Legal Reference:       § 2-18-601(15), MCA           Definitions  
                                  § 2-18-618, MCA           Sick Leave

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

5322

PERSONNEL

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.

The District shall post notice of the rights, benefits, and obligations of the District and employees in the customary place for notices.

Legal Reference:	38 U.S.C. §§ 4301-4334	The Uniformed Services Employment and Reemployment Act of 1994
	§10-1-1004, MCA	Rights under federal law
	§10-1-1005, MCA	Prohibition against employment discrimination
	§10-1-1006, MCA	Entitlement to leave of absence
	§10-1-1007, MCA	Right to return to employment without loss of benefits – exceptions – definition
	§10-1-1009, MCA	Paid military leave for public employees

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

5325 - R

PERSONNEL

Breastfeeding Workplace

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District will support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee’s child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District’s operations. Supervisors are encouraged to consider flexible schedules when accommodating employees’ needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee’s breast milk. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private Place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing mothers



Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

5328 – R

PERSONNEL

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Family Medical Leave

Employees are eligible for benefits under the Family Medical Leave Act when the District has fifty (50) or more employees. The Clinton Elementary School District has less than fifty (50) employees, and therefore employees are not eligible for FMLA benefits.

NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee’s employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight “Resources & Services” tab and click on “Required Postings”.

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. – The Family and Medical Leave Act of 1993  
§§2-18-601, et seq., MCA Leave Time  
§§49-2-301, et seq., MCA Prohibited Discriminatory Practices

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5329

PERSONNEL

Revised on:

Long-Term Illness/Temporary Disability/Maternity Leave

Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of sick leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required, at the Board’s discretion.

Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery therefrom. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications. Such leave shall not exceed six (6) weeks unless prescribed by a physician.

Leave without pay arising out of any long-term illness or temporary disability, including pregnancy, miscarriage, childbirth and recovery therefrom, shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness or temporary disability plans in the event of maternity leave, shall apply under the same conditions as other long-term illness or temporary disability leaves.

The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.

Legal Reference:	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy-related leave of absence
	Admin. R. Mont. 24.9.1201—1207	Maternity Leave

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

5329P

PERSONNEL

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Long-Term Illness/Temporary Disability/Maternity Leave

The following procedures will be used when an employee has a long-term illness or temporary disability, including maternity:

1. When any illness or temporarily disabling condition is “prolonged,” an employee will be asked by the administration to produce a written statement from a physician, stating that the employee is temporarily disabled and is unable to perform the duties of his/her position until such a time.
2. Maternity leave will be treated as any other disability. Generally, unless mandated otherwise by a physician, maternity leave does not exceed six (6) weeks. As a disabling condition, maternity leave is not available to fathers.
3. In the case of any other extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of disability will vary according to different conditions, individual needs, and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician, unless complications develop which are further certified by a physician.
4. An employee who has signified her intent to return at the end of her maternity leave of absence shall be reinstated to her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

1 **Clinton School District**

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3 **PERSONNEL**

5330

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5 Maternity and Paternity Leave

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7 The School District’s maternity leave policy covers employees who are not eligible for FMLA  
8 leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to  
9 adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous  
10 absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related  
11 complications.

12  
13 The School District shall not refuse to grant an employee a reasonable leave of absence for  
14 pregnancy or require that an employee take a mandatory maternity leave for an unreasonable  
15 length of time. The School District has determined that maternity leave shall not exceed twelve  
16 weeks unless mandated otherwise by the employee’s physician. Employees may use  
17 accumulated leave for maternity and paternity leave and upon the expiration of accumulated  
18 leave be placed on unpaid leave.

19  
20 The School District shall not deny to the employee who is disabled as a result of pregnancy any  
21 compensation to which the employee is entitled as a result of the accumulation of disability or  
22 leave benefits accrued pursuant to plans maintained by the employer, provided that the employer  
23 may require disability as a result of pregnancy to be verified by medical certification that the  
24 employee is not able to perform employment duties.

25  
26 An employee who has signified her intent to return at the end of her maternity leave of absence  
27 shall be reinstated to her original job or an equivalent position with equivalent pay and  
28 accumulated seniority, retirement, fringe benefits, and other service credits.

29  
30 The School District will review requests for Paternity Leave in accordance with any applicable  
31 policy or collective bargaining agreement provision governing use of leave for family purposes.

32  
33 Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers  
34 § 49-2-311, MCA Reinstatement to job following pregnancy-related  
35 leave of absence  
36 Admin. R. Mont. 24.9.1201—1207 Maternity Leave

37  
38 Policy History:

39 Adopted on: 3/12/24

40 Reviewed on:

41 Revised on:

1 **Clinton School District**

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3 **PERSONNEL**

5331

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5 Insurance Benefits for Employees

6  
7 Newly hired employees are eligible for insurance benefits offered by the District for the  
8 particular bargaining unit to which an employee belongs. Other employees will be offered  
9 benefits consistent with the District benefit plan, with exceptions noted below:

10  
11 The District will pay a flat rate that can be found in the group health insurance premium for  
12 classified employees who work a minimum of forty hours (40) per week during the school  
13 year.

14  
15  
16 The District will pay a prorated amount of the group health insurance premium (prorated based on  
17 amount in the CBA of health insurance premium times the number of hours worked per  
18 week for lunch and nurse aide personnel who work 35-40 hours per week during the school  
19 year.

20  
21 Remaining classified employees are not eligible for group health unless they pay 100% of their  
22 cost of health insurance.

23  
24 A medical examination at the expense of the employee may be required, if the employee elects to  
25 Join the District health insurance program after initially refusing coverage during the “open  
26 Season” (\*July). An eligible employee wishing to discontinue or change health insurance coverage  
27 must initiate the action by contacting the personnel office and completing the appropriate forms.

28  
29 Anniversary dates of the health insurance policy is September 1 through August 31.  
30 Anniversary dates of the dental insurance policy is January 1 through December 31.

31  
32  
33 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers  
34 § 2-18-703, MCA Contributions

35  
36 Policy History:

37 Adopted on: 2/10/15

38 Reviewed on: 7/11/16

39 Revised on: 12/08/20

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5333

PERSONNEL

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Holidays

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

The holidays required for classified staff, by § 20-1-305, MCA, are:

1. Independence Day
2. Labor Day
3. Thanksgiving Day
4. Christmas Day
5. New Year’s Day
6. Memorial Day
7. State and national election days when the school building is used as a polling place and conduct of school would interfere with the election process

When an employee, as defined above, is required to work any of these holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee’s regular pay for all time worked on the holiday.

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee’s annual leave.

Legal Reference: § 20-1-305, MCA School holidays  
37 A.G. Op. 150 (1978)

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on: 10/11/05

5334

PERSONNEL

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Vacations

Classified and twelve-(12)-month administrative employees will accrue annual vacation leave benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation leave in any instance. The District will judge each request for vacation in accordance with staffing needs.

Employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

Legal Reference:	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-612, MCA	Rate earned
	§ 2-18-617, MCA	Accumulation of leave – cash for unused – transfer

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

5334P

PERSONNEL

Vacations

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee’s accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

RATE-EARNED SCHEDULE

<u>Years of Employment</u>	<u>Working Days Credit per Year</u>
1 day - 10 years	15
10 - 15 years	18
15 - 20 years	21
20 years on	24

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of a district or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

Maximum Accrual of Vacation Leave

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

Annual Pay-Out

The District may, in its sole discretion and/or subject to the terms of a collective bargaining agreement, provide cash compensation in January of each year for unused vacation leave in lieu of the accumulation of vacation leave.



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Lump-Sum Payment Upon Termination

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period. Vacation leave contributed to the sick leave bank is nonrefundable and is not eligible for cash compensation upon termination.

Legal Reference: §§ 2-18-611 ---- § 2-18-618, MCA Leave Time

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on:

5336 - R  
02/10/15

PERSONNEL

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any workweek. A week is defined as seven consecutive days covering Monday through Sunday. The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee’s regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Legal Reference:	29 U.S.C § 201, <i>et seq.</i>	Fair Labor Standards Act
	Title 39, Chapter 3, Part 4	Minimum Wage and
		Overtime Compensation
	Admin. R. Mont. 24.16.2501—2581	Overtime Compensation

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

5337

PERSONNEL

Revised on:

Workers' Compensation Benefits

All employees of the District are covered by workers' compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;
2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;
3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational Injury or Disease; and
4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The administrator will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers' compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee's physician to release pertinent medical information to the District or to a physician of the District's choice, should an actual claim be filed against the Workers' Compensation Division, which could result in additional fees being levied against the District.

Legal Reference: §§ 39-71-101, *et seq.*, MCA Workers' Compensation Act

Clinton Elementary

Adopted on: 08/09/05  
Reviewed on: 02/10/15

5420

PERSONNEL

Revised on:

Teachers’ Aides/Para educators

Teachers’ aides/para educators, as defined in the appropriate job descriptions, are under the supervision of a principal and a teacher to whom the principal may have delegated responsibility for close direction. The nature of the work accomplished by para educators will encompass a variety of tasks that may be inclusive of “limited instructional duties.”

Para educators are employed by the District mainly to assist the teacher. A para educator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all para educators with instructional duties, that are newly hired in a Title I school-wide program, to have:

- Completed at least two (2) years of study at an institution of higher education;
- Obtained an Associate’s or higher degree; or
- Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

It is the responsibility of each principal and teacher to provide adequate training for a para educator. This training should take into account the unique situations in which a para educator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the para educator to assist in reading, writing, and mathematics instruction.

The Superintendent shall develop and implement procedures for an annual evaluation of teachers’ aides/para educators. Evaluation results shall be a factor in future employment decisions.

Legal Reference: No Child Left Behind Act of 2001(PL 107-110)  
20 U.S.C. § 6319 Qualifications for teachers and paraprofessionals

Clinton Elementary

Adopted on: 02/12/12  
Reviewed on: 01/10/12, 02/10/15

5450

PERSONNEL

Revised on:

Page 1 of 2

Employee use of Electronic Mail, Internet, and District Equipment

Electronic mail (“e-mail”) is an electronic message that is transmitted between two (2) or more computers or electronic terminals, whether or not the message is converted to hard-copy format after receipt, and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

Because of the unique nature of e-mail/Internet, and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the e-mail or Internet systems for any purpose. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of District e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the e-mail and Internet system, including but not limited to extreme network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright or intellectual property rights, are prohibited. Abuse of the e-mail or Internet systems through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an e-mail or Internet message does not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the message “Do Not Forward.”

In order to keep District e-mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records and e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process.

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4 Consequently, the District retains the right to access stored records in cases where there is  
5 reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose  
6 all information sent over the District e-mail systems for any legally permissible reason, including  
7 but not limited to determining whether the information is a public record, whether it contains  
8 information discoverable in litigation, and to access District information in the employee's  
9 absence. Employee e-mail/Internet messages may not necessarily reflect the views of the  
10 District.

11  
12 Except as provided herein, District employees are prohibited from accessing another employee's  
13 e-mail without the expressed consent of the employee. All District employees should be aware  
14 that e-mail messages can be retrieved, even if they have been deleted, and that statements made  
15 in e-mail communications can form the basis of various legal claims against the individual author  
16 or the District.

17  
18 E-mail sent or received by the District or the District's employees may be considered a public  
19 record subject to public disclosure or inspection. All District e-mail and Internet communications  
20 may be monitored.  
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Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on: 02/10/15

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PERSONNEL

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Payment of Wages Upon Termination

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days from the date of separation of employment, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee’s work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty-(30)-day period.

Legal Reference:      § 39-3-205, MCA      Payment of wages when employee separated from employment prior to payday – exceptions

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Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

5510 - R

PERSONNEL

Revised on:

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Page 1 of 5

HIPAA

*Note:*

*(1) Any school district offering a group “health care plan” for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a “health care provider” by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an “educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction.” This transaction occurs when a school nurse submits a claim electronically.*

*(2) Any personally identifiable health information contained in an “education record” under FERPA is subject to FERPA, not HIPAA.*

Background

**Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

**The HIPAA Privacy Rule**

HIPAA required the federal government to adopt national standards for **electronic health care transactions**. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee’s (or dependent’s) health information from the group health plan to make adverse



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4 employment-related decisions. The Privacy Rule states that verbal, written, or electronic  
5 information that can be used to connect a person's name or identity with medical, treatment, or  
6 health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

7  
8 Under the HIPAA Privacy Rule:

- 9
- 10 1. Individuals have a right to access and copy their health record to the extent allowed by  
11 HIPAA.
  - 12
  - 13 2. Individuals have the right to request an amendment to their health record. The plan may  
14 deny an individual's request under certain circumstances specified in the HIPAA Privacy  
15 Rule.
  - 16
  - 17 3. Individuals have the right to an accounting of disclosures of their health record for  
18 reasons other than treatment, payment, or healthcare operations.
  - 19
  - 20 4. PHI, including health, medical, and claims records, can be used and disclosed without  
21 authorization for specific, limited purposes (treatment, payment, or operations of the  
22 group health plan). A valid authorization from the individual must be provided for use or  
23 disclosure for other than those purposes.
  - 24
  - 25 5. Safeguards are required to protect the privacy of health information.
  - 26
  - 27 6. Covered entities are required to issue a notice of privacy practices to their enrollees.
  - 28
  - 29 7. Violators are held accountable with civil and criminal penalties for improper use or  
30 disclosure of PHI.

### 31 Compliance

32  
33 The District Clerk has been designated Privacy Officer. The Privacy Officer will oversee all  
34 ongoing activities related to the development, implementation, maintenance of, and adherence to  
35 the District's policies and procedures covering the privacy of and access to patient health  
36 information in compliance with HIPAA, other applicable federal and state laws, and the  
37 District's privacy practices.

38  
39 As required for a Covered Entity under HIPAA, the plan has developed these internal privacy  
40 policies and procedures to assure that PHI is protected and that access to and use and disclosure  
41 of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and  
42 procedures recognize routine and recurring disclosures for treatment, payment, and healthcare  
43 operations and include physical, electronic, and procedural safeguards to protect PHI. The  
44 procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes,  
45 and workstation safeguards and procedures for securing and retaining PHI received by the plan.  
46 Plan participants are entitled to receive a copy of the plan's policies and procedures upon

1  
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3  
4 request.

5  
6 Designating a limited number of privacy contacts allows the District to control who is receiving  
7  
8 PHI from the contract claims payor for plan operations purposes. The contract claims payor will  
9 provide only the minimum PHI necessary for the stated purpose and, as required under the  
10 Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan  
11 operations purposes.

12  
13 The District has distributed a notice of privacy practices to plan participants. The notice informs  
14 plan participants of their rights and the District's privacy practices related to the use and  
15 disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

16  
17 The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure  
18 of that information to employees who have a legitimate need to know or possess the PHI for  
19 healthcare operations and functions. The District will make reasonable efforts to use de-  
20 identified information whenever possible in the operations of the plan and will only use the  
21 minimum PHI necessary for the stated purpose.

22  
23 Some of the District's employees need access to PHI in order to properly perform the functions  
24 of their jobs. The District has identified these employees and has given them training in the  
25 important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New  
26 employees who will have access to PHI will receive training on the HIPAA Privacy Rule and  
27 related policies and procedures as soon as reasonably possible after they are employed.  
28 Employees who improperly use or disclose PHI or misuse their access to that information may  
29 be subject to discipline, as deemed appropriate.

30  
31 In the event the group health plan must disclose PHI in the course of performing necessary plan  
32 operations functions or as required by law or a governmental agency, the District has developed  
33 a system to record those disclosures and requests for disclosures. An individual may request a  
34 list of disclosures of his or her PHI made by the plan for other than treatment or claims payment  
35 purposes. All requests for an accounting of PHI disclosures must be made in writing, and the  
36 plan may impose fees for the cost of production of this information. Requests will be responded  
37 to within sixty (60) days. If the plan is not able to provide the requested information within sixty  
38 (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for  
39 the delay and an estimated time for response.

40  
41 In order to comply with the new privacy regulations, the plan has implemented compliant  
42 communication procedures. Except for its use in legitimate healthcare operations, written  
43 permission will be required in order for the District to disclose PHI to or discuss it with a third  
44 party.

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3  
4 The HIPAA Privacy Rule prohibits the District from disclosing medical information without the  
5 patient's written permission other than for treatment, payment, or healthcare operations purposes.  
6 An authorization signed by the patient and designating specified individuals to whom the District  
7 may disclose specified medical information must be on file, before the plan can discuss a  
8 patient's medical information with a third party (such as a spouse, parent, group health plan  
9 representative, or other individual).

10  
11 The District has taken the following steps to ensure PHI is safeguarded:

- 12  
13 • The District has implemented policies and procedures to designate who has and who does  
14 not have authorized access to PHI.
- 15  
16 • Documents containing PHI are kept in a restricted/locked area.
- 17  
18 • Computer files with PHI are password protected and have firewalls making unauthorized  
19 access difficult.
- 20  
21 • Copies of PHI will be destroyed when information is no longer needed, unless it is  
22 required by law to be retained for a specified period of time.
- 23  
24 • The District will act promptly to take reasonable measures to mitigate any harmful effects  
25 known to the group health plan, due to a use or disclosure of PHI in violation of the  
26 plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- 27  
28 • The District will appropriately discipline employees who violate the District's group  
29 health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including  
30 termination of employment if warranted by the circumstances.

31  
32 The District has received signed assurances from the plan's business associates that they  
33 understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will  
34 safeguard PHI just as the plan would.

35  
36 The contract claims payor and certain other entities outside the group health plan require access  
37 on occasion to PHI, if they are business associates of the group health plan and in that role need  
38 to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to  
39 sign an agreement stating they understand HIPAA's privacy requirements and will abide by  
40 those rules just as the group health plan does, to protect the PHI to which they have access. For  
41 example the plan engages a certified public accountant to audit the plan annually and to make  
42 sure payments are made in compliance with the Plan Document. In order for the CPA to  
43 complete an audit, the auditor reviews a sample of the claims for accuracy.

44  
45 The District will ensure health information will not be used in making employment and  
46 compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit

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4 an employer from making adverse employment decisions (demotions, terminations, etc.) based  
5 on health information received from the group health plan. To the extent possible, the District  
6 has separated the plan operations functions from the employment functions and has safeguards in  
7 place to prevent PHI from the plan from going to or being used by an employee's supervisor,  
8 manager, or superior to make employment-related decisions.  
9

### 10 Complaints

11  
12 If an employee believes their privacy rights have been violated, they may file a written complaint  
13 with the Privacy Officer. No retaliation will occur against the employee for filing a complaint.  
14 The contact information for the Privacy Officer is:

15  
16 District Clerk  
17 Clinton Elementary School District  
18 PO Box 250  
19 Clinton, MT 59825  
20

21  
22 Legal Reference: 45 C.F.R. Parts 160, 162, 164  
23

## Request for Protected Health Information

This form should be used when release of a patient's protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_  
*Name of Employee, Student 18 or older, or Parent/Guardian*                      *Name of Physician/Practice*  
to use and/or disclose my protected health information described below to  
\_\_\_\_\_  
*School District*

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): \_\_\_\_\_

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

- Any and all records in the possession of the above-named physician or physician's practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)
- Records regarding treatment for the following condition or injury \_\_\_\_\_ on or about \_\_\_\_\_.
- Records covering the period of time \_\_\_\_\_ to \_\_\_\_\_.
- Other (Specify and include dates.) \_\_\_\_\_.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: \_\_\_\_\_.

I certify that I have received a copy of this authorization.

_____ <i>Signature of Patient or Personal Representative</i>	_____ <i>Date</i>
_____ <i>Name of Patient or Personal Representative</i>	_____ <i>Personal Representative's Authority</i>

Clinton Elementary

Adopted on:  
Reviewed on:  
Revised on:

5630

PERSONNEL

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Employee Use of Cellular Phones and Other Electronic Devices

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 termination of employment.

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 are 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.

**CLINTON ELEMENTARY SCHOOL DISTRICT**

**R = required**

**6000 SERIES  
ADMINISTRATION**

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	6420	Professional Growth and Development

Clinton Elementary

Adopted on:  
Reviewed on:

6110 - R

ADMINISTRATION

Revised on: 02/10/15

Superintendent

Duties and Authorities

The Superintendent is the District’s executive officer and is responsible for the administration and management of District schools, in accordance with Board policies and directives and state and federal law. The Superintendent is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the Superintendent of responsibility for that which was delegated.

Qualifications and Appointment

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

Evaluation

At least annually the Board will evaluate the performance of the Superintendent, using standards and objectives developed by the Superintendent and the Board, which are consistent with District mission and goal statements. A specific time shall be designated for a formal evaluation session. The evaluation will include a discussion of professional strengths, as well as performance areas needing improvement.

Compensation and Benefits

The Board and the Superintendent will enter into a contract which conforms to this policy and state law. The contract will govern the employment relationship between the Board and the Superintendent.

Legal Reference:	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	ARM 10.55.602	Definition of Internship
	ARM 10.55.607	Internships
	ARM 10.55.702	Licensure and Duties of District Administrator – District Superintendent



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

6110P - R

ADMINISTRATION

Revised on:

Superintendent

<b>The Board will:</b>	<b>The Superintendent will:</b>
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.

<b>The Board will:</b>	<b>The Superintendent will:</b>
Approve proposed major changes of school plant and facilities.	Prepare reports regarding school plant and facilities needs.
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.

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

6121

ADMINISTRATION

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Revised on:

District Organization

The Superintendent shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed, except in unusual circumstances.

The organization of District positions of employment for purposes of supervision, services, leadership, administration of Board policy, and all other operational tasks shall be on a “line and staff” basis. District personnel occupying these positions of employment shall carry out their duties and responsibilities on the basis of line and staff organization.

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

6122

ADMINISTRATION

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Delegation of Authority

Unless otherwise specified, the Superintendent has the authority to designate a staff member to serve in an official capacity for the implementation of District policies or as his/her personal representative. This authorization will include those responsibilities appropriate for the position as designated or directed by the Superintendent.

Clinton Elementary

Adopted on:  
Reviewed on:

6140- R

ADMINISTRATION

Revised on: 02/10/15

Duties and Qualifications of Administrative Staff Other Than Superintendent

Duty and Authority

As authorized by the Superintendent, administrative staff will have full responsibility for day-to-day administration of the area to which they are assigned. Administrative staff are governed by Board policies and are responsible for implementing administrative procedures relating to their assigned responsibilities.

Each administrator’s duties and responsibilities will be set forth in a job description for that particular position.

Qualifications

All administrative personnel must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, or be considered appropriately assigned if the administrator is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607, and must meet other qualifications as specified in their position’s job description.

Administrative Work Year

The administrators’ work year will correspond with the District’s fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the administrators will have vacation periods as approved by the Superintendent.

Compensation and Benefits

Administrators will receive compensation and benefits as stated in their employment agreements.

Legal Reference:	§ 20-4-401, MCA	Appointment and dismissal of district superintendent or county high school principal
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	10.55.701, ARM	Board of Trustees
	ARM 10.55.602	Definition of Internship
	ARM 10.55.607	Internships

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

6210 - R

ADMINISTRATION

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Principals

Principals are the chief administrators of their assigned schools and are responsible for the day-to-day operation of their building. The primary responsibility of Principals is the development and improvement of instruction. The majority of the Principals' time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school's budget, and communication between the school and the community. Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b).

Legal Reference:	§ 20-4-403, MCA	Powers and duties of principal
	10.55.701, ARM	Board of Trustees
	10.55.703, ARM	Licensure and Duties of School Principal



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

6420

ADMINISTRATION

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Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the District's needs.

The Administrator is encouraged to be a member of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

Legal Reference: § 20-1-304, MCA Pupil-instruction-related day



# CLINTON ELEMENTARY SCHOOL DISTRICT

**R = required**

## 7000 SERIES FINANCIAL MANAGEMENT

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7008

FINANCIAL MANAGEMENT

Revised on:

Nonresident Student Attendance Agreement (Tuition/Transportation Costs)

Whenever a nonresident student is to be enrolled in the District, either by choice or by placement, an attendance agreement must be filed with the Board. Terms of the agreement must include tuition rate, the party responsible for paying tuition and the schedule of payment, transportation charges, if any, and the party responsible for paying transportation costs.

Tuition rates shall be determined annually, consistent with Montana law and approved by the Board.

Cross Reference: 3141 Discretionary Nonresident Student Attendance Policy

Legal Reference:	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation
	§ 20-5-322, MCA	Residency determination – notification – appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and transportation rates
	10.10.301, ARM	Calculating Tuition Rates

Clinton Elementary

Adopted on:  
Reviewed on:

7110

FINANCIAL MANAGEMENT

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Revised on: 02/10/15

Budget and Program Planning

The annual budget is evidence of the Board’s commitment to the objectives of the instruction programs. The budget supports immediate and long-range goals and established priorities within all areas – instructional, noninstructional, and administrative programs.

Before presentation of a proposed budget for adoption, the Superintendent and business manager shall prepare, for the Board’s consideration, recommendations (with supporting documentation) designed to meet the needs of students, within the limits of anticipated revenues.

Program planning and budget development may provide for staff participation and the sharing of information with patrons before any action by the Board.

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# Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

7121

## FINANCIAL MANAGEMENT

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### Budget Adjustments

When any budgeted fund line item is in excess of the amount required, the Board may transfer any of the excess appropriation to another line item(s) within the same fund.

The Board authorizes the administration to transfer line items within the same budgeted fund to adjust line item overdrafts or to meet special line item needs. Line item budget transfers to adjust line item overdrafts are at the discretion of the administrators.

Total budget expenditures for each fund as adopted in the final budget shall constitute the appropriations of the District for the ensuing fiscal year. The Board will be limited in the incurring of expenditures to the total of such appropriations.

With timely notice of a public meeting, trustees, by majority vote of those present, may declare by resolution that a budget amendment (in addition to the final budget) is necessary. Budget amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution must state the facts constituting the need for the budget amendment, the funds affected by the budget amendment, the anticipated source of financing, the estimated amount of money required to finance the budget amendment, and the time and place the trustees will meet for the purpose of considering and adopting the budget amendment for the current school fiscal year.

The meeting to adopt a budget amendment will be open and will provide opportunity for any taxpayer to appear and be heard. Budget procedures will be consistent with statutory requirements. When applicable, the District will apply for state financial aid to supplement the amount to be collected from local taxes.

Legal Reference:	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-161, MCA	Definition of budget amendment for budgeting purposes
	§ 20-9-162, MCA	Authorization for budget amendment adoption
	§ 20-9-163, MCA	Resolution for budget amendment – petition to superintendent of public instruction
	§ 20-9-164, MCA	Notice of budget amendment resolution
	§ 20-9-165, MCA	Budget amendment limitation, preparation, and adoption procedures
	§ 20-9-166, MCA	State financial aid for budget amendments
	§ 20-9-208, MCA	Transfers among appropriation items of fund – transfers from fund to fund

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7210

FINANCIAL MANAGEMENT

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Revised on:

Revenues

The District will seek and utilize all available sources of revenue for financing its educational programs, including revenues from non-tax, local, state, and federal sources. The District will properly credit all revenues received to appropriate funds and accounts as specified by federal and state statutes and accounting and reporting regulations for Montana school districts.

The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly. The District will make an effort to collect all revenues due from all sources, including but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

Legal Reference: Title 20, Chapter 9, MCA Finance  
Title 10, Chapter 10, ARM Special Accounting Practices

1 **Clinton School District**

2

3 **FINANCIAL MANAGEMENT**

7225

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5 Crowdfunding Proposals

6

7 All crowd funding requests and receivables are governed and supervised by board policy. Crowd funding  
8 endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing  
9 plans. Proposals, products, and resources generated through crowd funding must receive prior approval  
10 from the Superintendent or designee. Approvals for proposals or gifted resources may be denied based  
11 upon but not limited to: technology, curricular, and/or activities incompatibility; long term sustainability  
12 concerns regarding materials, service, and/or staffing; conflicts with district initiatives, state or federal law.

14

15 If a proposal is successfully funded:

16

- 17 • The author(s) shall immediately notify the Superintendent.
- 18 • A check should be requested to be mailed to the school in the name of the school, not to an individual  
19 person.
- 20 • All gifts, grants, bequests, and contributions must be officially accepted in accordance Policy 7260  
21 (Endowments, Gifts, and Investments).
- 22 • All non-monetary items (supplies, equipment, etc.) obtained are the property of the Clinton School  
23 District and all inventory procedures apply, and, if applicable, will remain in the school where the author(s)  
24 was (were) located at time of the grant award.
- 25 • All monetary donations should be recorded by the business manager/clerk in the Schools Funds accounting  
26 system at each school.

27

28 A file is to be maintained at the school for any crowd funding request. This file should include: the  
29 principal's/administrator's fundraising approval form, the written detail of the projects as well as what is  
30 posted on the platform website, any photos or images posted with the project and a copy of all agreements  
31 and permission forms.

32

33 Only district related/approved groups are permitted to operate under this policy and that non-District  
34 groups may not use the District's name, network or infrastructure to conduct online fundraising.

35

36 As public employees, staff members are subject to Montana public employee's ethics laws. Staff  
37 members may not solicit or accept material, cash, or equipment intended for personal use from  
38 individuals or through a crowd source effort that could be considered a gift of substantial value or that  
39 otherwise violates the ethics statutes.

40

41 Cross Reference:            7260    Endowments, Gifts, and Investments

42

43	Legal Reference:	§20-6-601, MCA	Power to accept gifts
44		§20-6-604, MCA	Sale of property when resolution passed after
45			hearing – appeal procedure
46		§2-2-102(3), MCA	Definitions
47		§2-2-104, MCA	Rules of conduct for public officers, legislators, and
48			public employee

49 Policy History:

50 Adopted: 10/11/22

51 Reviewed on:

52 Revised on:

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on:

7251

FINANCIAL MANAGEMENT

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Disposal of School District Property without a Vote

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, that is or is about to become abandoned, obsolete, undesirable, or unsuitable for school purposes.

To effect proper disposal, the trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen (14) days after the resolution is published in a newspaper of general circulation in the District.

Should any taxpayer properly protest the resolution during the fourteen (14) days after the date of publication, the trustees shall submit testimony to the court with jurisdiction.

Once the resolution is effective, or if appealed the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the District. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building, or any other appropriate fund.

Legal Reference:       § 20-6-604, MCA       Sale of property when resolution passed after hearing – appeal procedure

Clinton Elementary

Adopted on: 08/09/05

Reviewed on:

Revised on: 02/10/15

7260

FINANCIAL MANAGEMENT

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.

Educational foundations which seek to promote, enhance, and enable educational opportunities and school improvement activities in the District may solicit and receive tax-deductible funds from donors. Educational foundations may be sanctioned by the Board but not managed or directed by it. The Board may appoint nonvoting advisors to the foundation board, if the bylaws of the foundation permit that action.

The Board directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the District. Funds not needed for current obligations may be invested in investment options as set out in Montana statutes, whenever it is deemed advantageous for the District to do so.

Legal Reference:	§ 20-6-601, MCA	Power to accept gifts
	§ 20-7-803, MCA	Authority to accept gifts
	§ 20-9-212, MCA	Duties of county treasurer
	§ 20-9-213(4), MCA	Duties of trustees
	§ 20-9-604, MCA	Gifts, legacies, devises, and administration of endowment fund
	§ 72-30-209, MCA	Appropriation for expenditure or accumulation of endowment fund – rules of construction



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7310

FINANCIAL MANAGEMENT

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Revised on:

Budget Implementation and Execution

Once adopted by the Board, the operating budget shall be administered by the Superintendent’s designees. All actions of the Superintendent/designees in executing programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for employment and assignment of staff shall meet legal requirements of the state of Montana and adopted Board policies.
2. Funds held for contingencies may not be expended without Board approval.
3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month.
4. Purchases will be made according to the legal requirements of the state of Montana and adopted Board policy.

Legal Reference:	§ 20-3-332, MCA	Personal immunity and liability of trustees
	§ 20-9-213, MCA	Duties of trustees

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Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on: 09/10/13

7320

FINANCIAL MANAGEMENT

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Page 1 of 2

Purchasing

Authorization and Control

The Superintendent is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds \$80,000, except the Superintendent shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Eighty Thousand Dollars (\$80,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2<sup>nd</sup>) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Superintendent will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7325

FINANCIAL MANAGEMENT

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Revised on:

Accounting System Design

The District accounting system will be established to present, with full disclosure, the financial position and results of financial operations of District funds and account groups in conformity with generally accepted accounting principles. The accounting system must be in compliance with accounting system requirements established by legislative action. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7326

FINANCIAL MANAGEMENT

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Revised on:

Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget appropriations applicable to payment, and required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with authority, responsibility, and control over budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office is responsible for developing procedures and forms to be used in the requisition, purchase, and payment of claims.

Clinton Elementary

Adopted on: 02/10/15

Reviewed on: 12/11/07

Revised on: 9/12/23

7329

FINANCIAL MANAGEMENT

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Petty Cash Funds

The use of petty cash funds shall be authorized for specific purchases only. Those purchases will include individual purchases of supplies and materials under the amount of \$200.00, postage, delivery charges, and freight. Individual personal reimbursements which exceed \$200.00 should not be made from petty cash funds. Petty cash accounts will be maintained as cash on hand, with the total dollar amount of the petty cash account limited to \$1000.00.

The District business office is responsible for establishing procedures for use and management of petty cash funds.

Clinton Elementary

Adopted on: 04/08/08  
Reviewed on: 02/10/15

7330

FINANCIAL MANAGEMENT

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Revised on:

Payroll Procedures/Schedules

The District will establish one (1) or more days in each month as fixed paydays for payment of wages in accord with the current collective bargaining agreement or District practice. Employees may choose to have their salaries paid in full upon the last pay date following completion of their assignments or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned (deferred payment) will be subject to Internal Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to (the first (1<sup>st</sup>) duty day) (July 1)<sup>1</sup> of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first (1<sup>st</sup>) duty day of the fiscal year of the deferment.

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular payday for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

Cross Reference: 5500 Payment of Wages upon Termination

Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation

Clinton Elementary

Adopted on: 04/08/08  
Reviewed on: 02/10/15

7330F

FINANCIAL MANAGEMENT

Revised on:

**PAYROLL PROCEDURES/SCHEDULES**  
**(Deferred Wage Payment Election Form)**

By my signature I hereby acknowledge that I have read and understand the School District’s policy on deferred wages. Furthermore, by my signature on this form, I am electing to defer payment of my wages on an annualized basis consisting of \_\_\_\_\_ payments. I understand that any change from an annualized election of payment requires that I notify the District prior to the beginning of duty for the fiscal year in which the change is being given.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date signed



Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7335

FINANCIAL MANAGEMENT

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Revised on:

Personal Reimbursements

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the District;
2. The purchase was made with the prior approval of an authorized administrator;
3. The item purchased was not available from District resources; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

Clinton Elementary

Adopted on:  
Reviewed on:

7336

FINANCIAL MANAGEMENT

Revised on: 02/10/15

Travel Allowances and Expenses

The District will reimburse employees and trustees for travel expenses while traveling outside the District and engaged in official District business. District employees who do not use the district vehicle will be reimbursed actual cost of fuel. All travel expenses must be reported on the established travel expense and approved by the employee’s supervisor and the Superintendent.

The District business office is responsible for development of procedures and forms to be used in connection with travel expense claims and reimbursements.

Legal Reference:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage – allowance
	IRS.gov	

Clinton Elementary

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7410

FINANCIAL MANAGEMENT

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Adopted on:  
Reviewed on: 02/10/15  
Revised on:

Fund Accounting System

The accounts of the District are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for by providing a separate set of self-balancing accounts. The accounts of the District are maintained on the modified accrual basis of accounting.

Legal Reference:     § 20-9-201, MCA     Definitions and application

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7425

FINANCIAL MANAGEMENT

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Revised on:

Extra- and Co-Curricular Funds

The Board is responsible for establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check, in a bank account maintained by the District for student extra- and co-curricular funds. The use of the student extra- and co-curricular funds is limited to the benefit of the students. Students will be involved in the decision-making process related to use of the funds.

The Board shall follow the *Student Activity Fund Accounting* (published by the Montana Association of School Business Officials (MASBO)) in establishing accounting procedures for administration of student extra- and co-curricular funds and will appoint a fund administrator.

Specific procedures are available in the Clerk’s office.

Legal Reference:      § 2-7-503, MCA      Financial reports and audits of local government entities  
                                 § 20-9-504, MCA      Extracurricular fund for pupil functions

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7430

FINANCIAL MANAGEMENT

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Revised on:

Financial Reporting and Audits

The Board directs that financial reports of all District funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. Financial reports shall reflect financial activity and status of District funds.

Appropriate interim financial statements and reports of financial position, operating results, and other pertinent information will be prepared to facilitate management and control of financial operations.

The Board directs that District audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the District and District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit shall be made annually and cover the immediate preceding fiscal year.

Legal Reference:	§§ 2-7-501, et seq., MCA	Audits of Political Subdivisions
	§ 2-7-503, MCA	Financial Reports and Audits of local government entities
	§ 20-9-212, MCA	Duties of county treasurer
	§ 20-9-213, MCA	Duties of trustees

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# Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

7500

## FINANCIAL MANAGEMENT

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### Property Records

Property and inventory records will be maintained for all land, buildings, and physical property under District control and will be updated annually.

For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The Superintendent will ensure inventories of equipment are systematically and accurately recorded and updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing basis. No equipment will be removed for personal or non-school use except in accordance with Board policy.

Property records will show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag providing appropriate District and equipment identification.

Cross Reference: 7510 Capitalization Policy for Fixed Assets

Legal Reference: § 20-6-602, MCA Trustees’ power over property  
§ 20-6-608, MCA Authority and duty of trustees to insure district property

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

7510

FINANCIAL MANAGEMENT

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Revised on:

Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all the following requirements:

1. Must be tangible in nature;
2. Must have a useful life of longer than the current fiscal year; and
3. Must be of significant value.

Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset value for a donation will be the fair market value at the time of donation. The asset value for purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the cost of materials used and the cost of labor involved in construction of the asset.

The following significant values will be used for different classes of assets:

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$5000.00 or more
Buildings - improvements	\$5000.00 or more
Improvements other than to buildings	\$5000.00 or more
Land	Any amount

Cross Reference: 7500 Property Records

1 Clinton Elementary  
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Adopted on:  
10/10/23  
Reviewed on:  
Revised on:

5 7515 - R FINANCIAL MANAGEMENT  
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7 Page 1 of 3  
8

9 Fund Balances  
10

11 *[Note: The provisions of this policy include the provisions of Statement No. 54 of the*  
12 *Governmental Accounting Standards Board (GASB).]*  
13

14 **I. PURPOSE**  
15

16 The fund balance policy establishes a framework for the management of all excess funds managed by  
17 the Clinton School District. The policy is in accordance with GASB Statement 54; management  
18 of fund balance. It also provides guidance and direction for elected and appointed officials as well as  
19 staff in the use of excess funds at year-end.  
20

21 **II. SCOPE**  
22

23 This fund balance policy applies to all funds in the custody of the School District Business  
24 Manager/Clerk of the Clinton School District, Clinton, Montana. These funds are  
25 accounted for in the District's annual audited financial reports and include, but are not limited to, the  
26 following:

- 27 • General Fund
- 28 • Special Revenue Funds
- 29 • Capital Project Funds
- 30 • Enterprise Funds
- 31 • Any new funds created by the District, unless specifically exempted by the governing body;  
32 in accordance with state law or GASB pronouncements.  
33

34 **III. CLASSIFICATION OF FUND BALANCES**  
35

36 The school district shall classify its fund balances in its various funds in one or more of the following  
37 five classifications: nonspendable, restricted, committed, assigned, and unassigned.  
38

39 **IV. DEFINITIONS**  
40

41 A. *Fund balance*---means the arithmetic difference between the assets and liabilities reported in a  
42 school district fund.  
43

44 B. *Committed fund balance*-amounts constrained to specific purposes by the District itself,  
45 using its highest level of decision-making authority; to be reported as committed, amounts  
46 cannot be used for any other purpose unless the District takes the same highest-level action to  
47 remove or change the constraint



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5 C. *Assigned fund balance*-amounts a school district *intends* to use for a specific purpose; intent  
6 can be expressed by the District or by an official to which the Board of Trustees delegates the  
7 authority  
8

9 D. *Nonspendable fund balance*-amounts that are not in a spendable form (such as inventory) or  
10 are required to be maintained intact (such as the corpus of an endowment fund)  
11

12 E. *Restricted fund balance*-amounts constrained to specific purposes by their providers (such  
13 as grantors, bondholders, and higher levels of government), through constitutional  
14 provisions, or by enabling legislation  
15

16 F. *Unassigned fund balance*-amounts that are available for any purpose; these amounts are  
17 reported only in the general fund.  
18

## 19 **V. MINIMUM FUND BALANCE**

20  
21 The school district will strive to maintain a minimum unassigned general fund balance of [ten  
22 percent of the annual budget.] [ 2-3 months of operating expenses.]  
23

24 *[Note: School districts need to select one of the bracketed choices above and fill in the blank. The*  
25 *other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization*  
26 *arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may*  
27 *not be necessary.]*  
28

## 29 **VI. ORDER OF RESOURCE USE**

30  
31 If resources from more than one fund balance classification could be spent, the school district will  
32 strive to spend resources from fund balance classifications in the following order (first to last):  
33 restricted, committed, assigned, and unassigned.  
34

35 *[Note: The school board determines this order.]*  
36

## 37 **VII. COMMITTING FUND BALANCE**

38  
39 A majority vote of the school board is required to commit a fund balance to a specific purpose and  
40 subsequently to remove or change any constraint so adopted by the board.  
41

## 42 **VIII. ASSIGNING FUND BALANCE**

43  
44 The school board, by majority vote, may assign fund balances to be used for specific purposes when  
45 appropriate. The board also delegates the power to assign fund balances to the following:  
46

47 *.[Specify individual(s), such as the superintendent, business manager, etc.,*  
48 *or an entity, such as the finance committee, authorized to make these assignments.]*

1  
2  
3  
4 Assignments so made shall be reported to the school board on a monthly basis, either separately or as  
5 part of ongoing reporting by the assigning party if other than the school board.  
6

7 An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the  
8 subsequent year's budget in an amount no greater than the projected excess of expected expenditures  
9 over expected revenues satisfies the criteria to be classified as an assignment of fund balance.  
10

#### 11 12 **IV. STABILIZATION ARRANGEMENTS**

13  
14 *[Note: If the school board has established any arrangement(s) for emergencies and other*  
15 *contingencies, the description(s) should be included in this section. The school board needs to*  
16 *specifically define the circumstances or conditions when these amounts may be used, which*  
17 *must be unanticipated adverse financial or economic circumstances. These circumstances or*  
18 *conditions cannot be situations that are expected to or which occur routinely. Stabilization*  
19 *arrangements should be reported as restricted or committed if they meet the criteria or,*  
20 *otherwise, should be reported as unassigned. They should not be reported as assigned. If the*  
21 *school board does not have any such arrangements, this section should be deleted.]*  
22

#### 23 **IX. REVIEW**

24  
25 The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum  
26 unassigned general fund balance level.  
27

28  
29 ***Legal References:*** Statement No. 54 of the Governmental Accounting Standards Board  
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Clinton Elementary

Adopted on:  
Reviewed on:

7520

FINANCIAL MANAGEMENT

Revised on: 02/10/15

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Independent Investment Accounts

The Board may establish independent investment accounts separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into an independent investment account from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal and any interest earned must be reallocated to the fund from which the deposit was originally made.

The District may either:

- Establish and use the account as a non-spending account, returning sufficient funds to the county treasurer in time to pay all claims against the applicable fund; or
- Establish a subsidiary checking account and make expenditures from the investment account, provided all transactions are accounted for and reported, as required by applicable accounting principles. If the District desires to establish a subsidiary checking account for purposes of paying for expenditures directly from an investment account, the District must enter into a written agreement with the county treasurer, in accordance with § 20-9-235, MCA.

Legal Reference: § 20-9-235, MCA Authorization for school district investment account

Clinton Elementary

Adopted on:  
Reviewed on:

7530

FINANCIAL MANAGEMENT

Revised on: 02/10/15

Procurement of Supplies or Services

The Board adopts the following provisions of the Montana Procurement Act:

- § 18-4-303(8), MCA – Competitive sealed bidding. With the exception of construction contracts, allows the District to negotiate an adjustment of the bid price with the lowest responsible and responsive bid in order to bring the bid within the amount of available funds, if, and only if, all bids exceed available funds and the lowest responsible bid does not exceed available funds by more than five percent (5%).
- § 18-4-306, MCA – Sole source procurement. A contract may be awarded for a supply or service item without competition when, the District determines in writing that:
  - (a) there is only one source for the supply or service item;
  - (b) only one source is acceptable or suitable for the supply or service item; or
  - (c) the supply or service item must be compatible with current supplies or services.

Legal Reference:	§ 18-4-121, et seq., MCA	Montana Procurement Act
	§ 18-4-303, MCA	Competitive Sealed Bidding
	§ 18-4-306, MCA	Sole Source Procurement--records
	2.5.604, ARM	Sole Source Procurement

**CLINTON ELEMENTARY SCHOOL DISTRICT**

**R = required**

**8000 SERIES  
NONINSTRUCTIONAL OPERATIONS**

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8440	Computer Software
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Clinton Elementary

Adopted on: 08/09/05

Reviewed on:

8100

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

Transportation

The District may provide transportation to and from school for a student who:

1. Resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school;
2. Is a student with a disability, whose IEP identifies transportation as a related service; or
3. Has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The District may provide transportation by school bus or other vehicle or through individual transportation such as paying the parent or guardian for individually transporting the student. The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. The Board may authorize children attending an approved private school to ride a school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is collected. The District may transport and charge for an ineligible public school student, provided the parent or guardian pays a proportionate share of transportation services. Fees collected for transportation of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and state law.

In-Town Busing

In-town busing is defined as the busing of students within three (3) miles of their school. In-town busing is a privilege the District can discontinue at any time. The Superintendent will establish guidelines under which a student may request in-town busing.

Legal Reference:	§ 20-10-101, MCA	Definitions
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-122, MCA	Discretionary provision of transportation and payment for this transportation
	§ 20-10-123, MCA	Provision of transportation for nonpublic school children
	10.7.101, et seq., ARM	Pupil Transportation
	10.64.101-700, et seq., ARM	Transportation
	No Child Left Behind Act of 2001 (P.L. 107-110)	

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

8102 NONINSTRUCTIONAL OPERATIONS

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Revised on:

Contracting for Transportation Services

If the Board enters into a contract for transportation services, the contractor shall operate such equipment in accordance with District policy and the rules and regulations of the Board of Public Education. The contract shall be in effect for not more than five (5) years. Before entering into the first (1<sup>st</sup>) such contract, the District shall determine that the cost of contracting for the ensuing term will not exceed projected costs of operating its own system. Before any transportation contract is awarded to a private party or contractor, the trustees shall:

1. Secure bids by advertising for a twenty-one-(21)-day period (three (3) consecutive weeks); or
2. Negotiate a new contract with the current contractor, provided the new contract does not exceed by more than twelve percent (12%) per year the basic costs of the previous contract.

No money shall be expended, unless a contract with a private carrier has been executed. The Board Chairperson will sign such contracts on behalf of the District.

The District reserves the right to own, operate, and to choose with respect to any other form of transportation, whether it be regular school, co-curricular, extracurricular, or District business programs, the means of transportation which best fits District needs at that particular time, as determined by the Board.

Legal Reference:	§ 20-10-102, MCA	School bus requirements
	§ 20-10-107, MCA	Power of trustees
	§ 20-10-125, MCA	Bid letting for contract bus – payments under transportation contract
	10.7.108, ARM	Bus Contracts

1 **Clinton School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8110

4  
5 Bus Routes and Schedules

6  
7 The Superintendent's designee is responsible for scheduling bus transportation, including  
8 determination of routes and bus stops. Such routes are subject to approval of the county  
9 transportation committee. The purpose of bus scheduling and routing is to achieve maximum  
10 service with a minimum fleet of buses consistent with providing safe and reasonably equal  
11 service to all bus students.

12  
13 In order to operate the transportation system as safely and efficiently as possible, the following  
14 factors shall be considered in establishing bus routes:

- 15  
16 1. A school bus route shall be established with due consideration of the sum total of local  
17 conditions affecting the safety, economic soundness, and convenience of its operation,  
18 including road conditions, condition of bridges and culverts, hazardous crossings,  
19 presence of railroad tracks and arterial highways, extreme weather conditions and  
20 variations, length of route, number of families and children to be serviced, availability of  
21 turnaround points, capacity of bus, and related factors.  
22  
23 2. The District may extend a bus route across another transportation service area, if it is  
24 necessary in order to provide transportation to students in the District's own  
25 transportation service area. A district may not transport students from outside its  
26 transportation service area.  
27  
28 3. No school child attending an elementary school shall be required to ride the school bus  
29 under average road conditions more than one (1) hour without consent of the child's  
30 parent or guardian.  
31  
32 4. School bus drivers are encouraged to make recommendations in regard to establishing or  
33 changing routes.  
34  
35 5. Parents should be referred to the Superintendent for any request of change in routes,  
36 stops, or schedules.  
37

38 The Board reserves the right to change, alter, add, or delete any route at any time such changes  
39 are deemed in the best interest of the District, subject to approval by the county transportation  
40 committee.

41  
42 Bus Stops

43  
44 Buses should stop only at designated places approved by school authorities. Exceptions should  
45 be made only in cases of emergency and inclement weather conditions.  
46



1 bus stops shall be chosen with safety in mind. Points shall be selected where motorists  
2 approaching from either direction will have a clear view of the bus for a distance of at least three  
3 hundred (300) to five hundred (500) feet.

4  
5 School loading and unloading zones are to be established and marked to provide safe and orderly  
6 loading and unloading of students. The principal of each building is responsible for the conduct  
7 of students waiting in loading zones.

8  
9 The Board of Trustees shall approve all school bus stops requiring a child to cross a roadway.

#### 10 Delay in Schedule

11  
12  
13 The driver is to notify the administration of a delay in schedule. The administration will notify  
14 parents on routes and radio stations, if necessary.

#### 15 Responsibilities - Students

16  
17  
18 Students must realize that safety is based on group conduct. Talk should be in conversational  
19 tones at all times. There should be no shouting or loud talking which may distract the bus driver.  
20 There should be no shouting at passersby. Students should instantly obey any command or  
21 suggestions from the driver and/or his/her assistants.

#### 22 Responsibilities - Parents

23  
24  
25 The interest and assistance of each parent is a valued asset to the transportation program.  
26 Parents' efforts toward making each bus trip a safe and pleasant experience are requested and  
27 appreciated. The following suggestions are only three of the many ways parents can assist:

- 28  
29 1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
- 30 2. Properly prepare children for weather conditions.
- 31 3. Encourage school bus safety at home. Caution children regarding safe behavior and  
32 conduct while riding the school bus.

#### 33 Safety

34  
35  
36 The Superintendent will develop written rules establishing procedures for bus safety and  
37 emergency exit drills and for student conduct while riding buses.

38  
39 If the bus and driver are present, the driver is responsible for the safety of his/her passengers,  
40 particularly for those who must cross a roadway prior to loading or after leaving the bus. Except  
41 in emergencies, no bus driver shall order or allow a student to board or disembark at other than  
42 his/her assigned stop unless so authorized by the Superintendent. In order to assure the safety of  
43 all, the bus driver may hold students accountable for their conduct during the course of  
44 transportation and may recommend corrective action against a student. Bus drivers are expressly  
45 prohibited from using corporal punishment.

1 The bus driver is responsible for the use of the warning and stop signaling systems and the  
2 consequent protection of his/her passengers. Failure to use the system constitutes negligence on  
3 the part of the driver. Each bus shall be equipped with extended stop arms as required by law.  
4

5 Inclement Weather  
6

7 The Board recognizes the unpredictability and resulting dangers associated with weather in  
8 Montana. In the interest of safety and operational efficiency, the Superintendent is empowered  
9 to make decisions as to emergency operation of buses, cancellation of bus routes, and closing of  
10 school, in accordance with his or her best judgment. The Board may develop guidelines in  
11 cooperation with the Superintendent to assist the Superintendent in making such decisions.  
12

13 Compliance  
14

15 To receive full state/county reimbursement, budgets must have enough funds to cover the costs  
16 of any changes to the route. The county transportation committee has authority to establish  
17 transportation service areas, should circumstances and/or geography (demographics) warrant.  
18  
19  
20

21	Legal Reference:	§ 20-10-106, MCA	Determination of mileage distances
22		§ 20-10-121, MCA	Duty of trustees to provide transportation – types of 23 transportation – bus riding time limitation
24		§ 20-10-132, MCA	Duties of county transportation committee
25		§ 61-8-351, MCA	Meeting or passing school bus
26		§ 61-9-402, MCA	Audible and visual signals
27		Montana School Bus Standards	
28			

29 Policy History:

30 Adopted on: 10/11/05

31 Reviewed on: 2/10/15

32 Revised on: 02/20/24

Clinton Elementary

Adopted on:  
Reviewed on:

8111

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

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Transportation of Students with Disabilities

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

- (a) Travel to and from school and between schools;
- (b) Travel in and around school buildings or to those activities that are a regular part of the student’s instructional program;
- (c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Evaluation Team that develops the disabled student’s Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student’s IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District’s regular transportation system under policies and procedures applicable to all District students. Utilizing the District’s regular transportation service shall be viewed as a “least restrictive environment.”

Mode of Transportation

One of the Contractor’s education buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.

Cross Reference: 3300P Corrective Actions and Punishment

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

8124

NONINSTRUCTIONAL OPERATIONS

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Revised on:

Student Conduct on Buses

The Superintendent will establish written rules of conduct for students riding school buses. Such rules will be reviewed annually by the Superintendent and revised if necessary. If rules are substantially revised, they will be submitted to the Board for approval.

At the beginning of each school year, a copy of the rules of conduct for students riding buses will be provided to students, and the classroom teacher and bus driver will review the rules with the students. A copy of the rules will be posted in each bus and will be available upon request at the District office and in each building principal’s office.

The bus driver is responsible for enforcing the rules and will work closely with a parent and building principal to modify a student’s behavior. Rules shall include consistent consequences for student misbehavior.

A recommendation for permanent termination of bus privileges, accompanied by a written record of the incident(s) that led to the recommendation, shall be referred to the Superintendent for final determination. The student’s parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

Cross Reference:    3310   Student Discipline  
                          8111   Transportation of Students With Disabilities

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

1 **Clinton School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8125

4  
5 School Bus Emergencies

6  
7 In the event of an accident or other emergency, the bus driver shall follow the emergency  
8 procedures developed by the Superintendent. A copy of the emergency procedures will be  
9 located in every bus. To ensure the success of such emergency procedures, every bus driver will  
10 conduct an emergency evacuation drill as early as possible within the first two weeks of the first  
11 semester and within the first week of the second semester. Students must complete a bus safety  
12 drill regardless of whether they regularly ride the bus. The District will conduct such other drills  
13 and procedures as may be necessary.

14  
15 Legal Reference: Montana School Bus Standards

16  
17  
18 Policy History:

19 Adopted on: 2/10/15

20 Reviewed on:

21 Revised on: 2/20/24

1 **Clinton School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8131

4  
5 Indoor Air Quality

6  
7 The District shall ensure ventilation systems operate properly and increase circulation of outdoor  
8 air as much as possible. District ventilation systems shall undergo annual checks by the school  
9 facility manager, superintendent or other staff approved by the superintendent to ensure  
10 ventilation systems are operating within manufacturer parameters.

11  
12 Air filters in the District shall have a minimum efficiency reporting value of between 8 and 13  
13 as recommended by the National Air Filtration Association and the EPA unless other types of  
14 non-MERV rated filters are used.

15  
16 To the greatest extent possible during times of poor outdoor air quality, the District shall  
17 change filters to MERV 13 or greater in ventilation systems using MERV rated air filters. The  
18 District shall clean any electrostatic air filters according to manufacturer specifications.

19  
20 The school facility manager, superintendent or other staff approved by the superintendent  
21 shall complete annual indoor air quality inspections using the Walk-Through Inspection  
22 Checklist from EPA's Indoor Air Quality Tools for Schools or other DPHHS-approved  
23 inspection form.

24  
25 The District shall maintain records of indoor air quality inspection on site for no less than  
26 three years and the records shall be made available to the local health authority and DPHHS  
27 upon request.

28  
29  
30 Legal Reference: 37.111.826, ARM Indoor Air Quality

31  
32  
33  
34 Policy History:

35 Adopted on: 5/9/23

36 Reviewed on: 5/8/23

37 Revised on:

1 **Clinton School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8132

4  
5 **Activity Trips**

6  
7 Transportation

8  
9 The Board authorizes the Superintendent or designee to utilize a passenger vehicle that is  
10 designed to transport 8 to 15 passengers and is the size and style of vehicle necessary to meet  
11 the needs of the district insured in accordance with the minimum coverage requirements to  
12 transport students to and from school sponsored events and activities. Drivers for vehicles under  
13 this section shall be licensed as required by state standards for the vehicle in use. The  
14 Superintendent or designee is authorized to complete a driving record background check for  
15 designated drivers.

16  
17 The use of school buses is strictly limited to school activities. Buses may not be loaned or leased  
18 to non-school groups, unless permission is specifically granted by the Board. Buses will be  
19 operated by a qualified bus driver on all activity runs, and only authorized activity participants,  
20 professional staff, and chaperones assigned by the administration may ride the bus.

21  
22 A duplicate copy of the passenger list will be made for all activity trips. One (1) copy will  
23 remain with the professional staff member in charge on the bus, and one (1) copy will be given  
24 to the Secretary before the bus departs.

25  
26 Staff shall not use personal vehicles to transport students for any purpose without the  
27 documented authorization of the Superintendent or designee.

28  
29 Lodging

30  
31 Students and staff shall be lodged at safe and suitable hotels or rental properties for all District-  
32 approved or sponsored activities, events, and trips. When utilizing a rental property, the premises  
33 shall be reviewed by the administration to confirm it is in an appropriate location and that the  
34 host/owner does not reside in the property or will otherwise have access to students. Steps shall  
35 be taken to ensure students do not engaged in improper conduct including review of the floorplan  
36 to ensure separation and placement of supervisors. The rental platform should have terms of  
37 service which shall permit the district to cancel or seek redress in the event the property is  
38 unsatisfactory or unsafe. Students and staff shall not be lodged in private residences without the  
39 authorization of the administration and consent of parents. Any person present in a private  
40 residence lodging students and staff shall comply with the provisions of Policy 5430.

1 Room Assignments

2

3 The District shall promptly notify parents if, and provide the opportunity to consent before, the  
4 parent’s student would share a room or sleeping quarters with an individual of the opposite sex  
5 on a school-sponsored trip. A child whose parent does not provide consent must be permitted to  
6 attend the trip and must be provided with reasonable accommodations that do not require the  
7 child to share a room or sleeping quarters with an individual of the opposite sex.

8

9 District Policy

10

11 All student and staff policies and procedures will be in effect during District-approved or  
12 sponsored activities, events, and trips. Each chaperone present on the activity, trip or event shall  
13 comply with Policy 5430 and complete a volunteer agreement form at Policy 5430F. No  
14 improper conduct is permitted under any circumstances.

19

20 Legal Reference: Title 40, Chapter 6, Part 7 Rights of Parents

21

22 Policy History:

23 Adopted on: 2/10/15

24 Reviewed on:

25 Revised on: 2/20/24



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# Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15  
Revised on:

## 8200 - R NONINSTRUCTIONAL OPERATIONS

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### Food Services

The District supports the philosophy of the National School Lunch Program and will provide wholesome, appetizing, and nutritious meals for children in District schools. The Board may authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for federally connected indigent students.

Because of the potential liability of the District, the food services program will not accept donations of food without approval of the Board. Should the Board approve a food donation, the Superintendent will establish inspection and handling procedures for the food and determine that provisions of all state and local laws have been met before selling the food as part of school meals.

### Commodities

The District will use food commodities made available under the Federal Food Commodity Program for school meals.

### Free and Reduced-Price Food Services

The District will provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will be confidential, in accordance with National School Lunch Program guidelines. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

The Board may establish programs whereby meals may be provided in the District in accordance with National School Lunch Program guidelines.

The amount charged for such meals shall be sufficient to cover all costs of the meals, including preparation labor and food, handling, utility, and equipment depreciation costs.

Legal Reference:	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-205, MCA	Allocation of federal funds to school food services fund for federally connected, indigent pupils
	§ 20-10-207, MCA	School food services fund

8205 -R NONINSTRUCTIONAL OPERATIONS

Meal Charge Policy

Note: For the purpose of this policy, parent includes guardian, caretaker relative, and any adult responsible for the care of the child.

The goal of the Clinton School District #32 is to allow children to receive the nutrition they need to stay focused during the school day. The purpose of this policy is to ensure compliance with federal reporting requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances.

The District complies with Federal USDA policies on meal charging and debt collection. All meal charges must be paid directly to the Clinton School District.

If a student is without meal money, the administration will take action deemed necessary to collect unpaid meal charges while ensuring the nutritional needs of the student are met in providing the student with a regular meal. If financial hardship exists, parents and families will be encouraged to apply for free or reduced price lunches for their child(ren).

**Below are examples that could be incorporated into the district meal charge policy.**

Meal Charges

Students/Parents should pay for meals in advance with cash or a check payable to Clinton School. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

Students will pay for meals at the district's published standard rate of \$2.65 per day for lunch and \$2.10 per day for breakfast. Students on reduced plans will pay \$.40 per day for lunch and \$.30 for breakfast.

Once a student account reaches a low balance or a negative balance, notification will go home to parents via YELLOW slips. If the account is not paid, slips will be mailed directly to parents. Your child will still be given a breakfast or lunch and will still accrue meal charges until the balance is paid.

A student will be allowed to charge a maximum of \$20 dollars to their account after their balance reaches zero. After that time phone calls will go directly to parents for full payment to bring the account to balance, plus extra for future meals.

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Zero-Balance Prevention

Parents are responsible for meal payment to the food service program. Notices of low or deficit balances will be sent to parents weekly on YELLOW slips. Parents may check with the school office to see the balance of their account at any time.

**Refunds** for withdrawn or graduating students. Toward the end of the school year, the school secretary will review student accounts and refund those transferring or graduating. Students who are graduating, but still have siblings in attendance at Clinton School will have their remaining funds stay in the sibling's accounts.

Unclaimed Funds must be requested within one school year. Unclaimed funds will become the property of the Clinton School District Food Service Program.

Uncollected meal debt will be sent to collections per state and/or federal guidelines.

Legal Reference: <https://www.fos.usda.gov/schooi-meals/policy>  
Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265  
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485  
7 Code of Federal Regulations (CFR) Parts 201 and 220

5 Procurement Policy for School Food Purchases and Use of Federal Funds

6  
7 The School District will adhere to the following requirements for any procurement related to food service:

8  
9 *Below are samples only and other language can be used, adjusted, or utilized. Please feel free to make*  
10 *changes, additions or add any other necessary items to meet the needs of your district.*

11  
12 **Purchase Procedures & Thresholds:**

13  
14 *Definition/Instructions*

15 **Micro-Purchase:** *Micro-purchases may be awarded without soliciting competitive price or rate*  
16 *quotations if the non-Federal entity considers the price to be reasonable. To the maximum extent*  
17 *practicable, the non-Federal entity should distribute micro-purchases equitably among qualified*  
18 *suppliers. The school district is responsible for determining and documenting an appropriate*  
19 *micro-purchase threshold based on internal controls, an evaluation of risk, and its documented*  
20 *procurement procedures.*

21 *School districts may use the Federal micro-purchase threshold of up to \$10,000 or may establish*  
22 *a higher threshold, up to \$50,000 if the district self-certifies (CFR 200.320 (a)(1)(iv)).*

23  
24 **School District’s Established Micro-Purchase threshold (choose one):**

25  
26  The School District’s Micro Purchase Threshold is: \$80,000

27  
28 *Definition/Instructions*

29  
30 **Small Purchase:** *Informal purchase method for open competitive purchases. For purchases*  
31 *higher than the micro-purchase threshold (\$10,000 or SFA’s higher amount if self-certified) but*  
32 *does not exceed the simplified acquisition threshold (\$80,000).*

- 33 • *If small purchase procedures are used, price or rate quotations must be obtained from an*  
34 *adequate number of qualified sources as determined appropriate by the non-Federal*  
35 *entity. Documentation of the procurement process (vendor name, contact method, name*  
36 *of person providing price quote, price quoted, date price quote obtained, duration of*  
37 *price quote).*

38  **Small Purchases greater than \$10,000 up to \$80,000.** \$80,000 is  
39 the small purchase threshold for the state of Montana per Section 20-9-204, MCA.

- 1 ○ Small purchases will be handled in a fair and equitable manner consistent with district
- 2 policy on purchasing.
- 3 ○ The District will obtain two or more quotes from qualified sources.
- 4 ○ The District may enter into a cooperative purchasing contract for procurement of supplies
- 5 with one or more districts or a Cooperative Services Program. This allows the District to
- 6 participate in a cooperative purchasing group to purchases supplies through the group
- 7 without bidding if the cooperative purchasing group has a publicly available master list of
- 8 items available with pricing included and provides an opportunity at least twice yearly for
- 9 any vendor, including a Montana vendor, to compete, based on a lowest responsible
- 10 bidder standard.

11  
12 *Definition/Instructions*

13 **Formal Purchase:** If the aggregate amount exceeds eighty thousand dollars (\$80,000), the  
14 contract must be awarded through a formal bid process and a call for bids or request for proposals  
15 shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of  
16 avoiding the formal procurement process.

17  
18  **Formal Purchases greater than \$80,000:**

- 19 ○ If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be
- 20 awarded through a formal bid process and a call for bids or request for proposals shall be
- 21 published according to 20-9-204, MCA. No contract shall be divided for the purpose of
- 22 avoiding the formal procurement process.
- 23 ○ The District may enter into a cooperative purchasing contract for procurement of supplies
- 24 with one or more districts or a Cooperative Services Program. This allows the District to
- 25 participate in a cooperative purchasing group to purchases supplies through the group
- 26 without bidding if the cooperative purchasing group has a publicly available master list of
- 27 items available with pricing included and provides an opportunity at least twice yearly for
- 28 any vendor, including a Montana vendor, to compete, based on a lowest responsible
- 29 bidder standard.

30  
31 **Bid Specifications:**

32  
33 The School District contracts will not be awarded to any potential vendors who write any of the bid  
34 specifications, the solicitation documents, or any of the contract language. The district must take care that  
35 any bids for services and supplies are written in the broadest possible terms to allow for participation by  
36 the largest number of potential vendors.

37  
38 Identical bid specifications and/or request for proposals will be provided to all potential vendors.

39  
40 **Geographic Preference:**

41  
42 No Geographic Preference (advantage based on location) is allowed with federal funds except for  
43 documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School may choose to  
44 apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural  
45 products only.

46  
47 **Buy American:**

48  
49 The District will adhere to “Buy American” for the food service program 7 CFR 210.21(d). Therefore,  
50 Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals

1 served in our Child Nutrition Program. There are two limited exceptions when non-domestic foods  
2 may be purchased. These exceptions are determined by the SFA:

- 3 • The food or food product is not produced or manufactured in the United States in sufficient and  
4 reasonably available quantities of a satisfactory quality; or
- 5 • Competitive bids reveal the cost of a United States food or food product is significantly higher  
6 than the nondomestic product--Food preferences can only be met with foreign goods.
- 7 • SFA must document exceptions and keep records.

8  
9 **Contracting with small and minority businesses, women's business enterprises, and labor surplus  
10 area firms. 2 CFR 200.321(a):**

- 11 • The non-Federal entity must take all necessary affirmative steps to assure that minority  
12 businesses, women's business enterprises, and labor surplus area firms are used when possible.

13  
14 **Standards of Conduct for District Employees:**

- 15 • The School District maintains the following code of conduct for any employees engaged in award  
16 and administration of contracts supported by Federal Funds:  
17  
18 • No District employee will engage in any procurement when there is a conflict of interest, real or  
19 perceived, and District employees cannot solicit or accept any gratuities, favors or anything of  
20 monetary value from prospective vendors. This shall not preclude district personnel from serving  
21 on boards or participating in organizations that support the district's need to obtain quality  
22 services and supplies.  
23  
24 • No District employee shall participate in the selection, award or administration of a contract when  
25 any of the following persons have a financial interest in the firm selected for award:
  - 26 ○ The employee
  - 27 ○ Any member of his/her immediate family
  - 28 ○ People with whom there is an intimate personal relationship
  - 29 ○ An organization which employs or is about to employ any of the above
- 30  
31 • The District would like all employees to behave with the utmost integrity and never be self-  
32 serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and  
33 avoid any compromising situations.  
34  
35 • Employees found to be in violation of this policy are subject to disciplinary action, up to and  
36 including termination.

37  
38  
39  
40 Policy History

41 Adopted on: 3/12/24

42 Reviewed on:

43 Revised on:

## Clinton School District

### NON-INSTRUCTIONAL OPERATIONS

8225  
page 1 of 1

#### Tobacco and Marijuana Free Policy

The District maintains tobacco-free and marijuana-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine and any other tobacco innovation. Marijuana products are products that contain marijuana for use by a consumer and include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping.

Use of tobacco and marijuana products in a public-school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member, concerning the risks associated with using tobacco products or in connection with Native American cultural activities.

For the purpose of this policy, “public school building or public-school property” means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children, that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school vehicles.

Violation of the policy by students and staff will be subject to actions outlined in District discipline policies.

Legal Reference:	§ 20-1-220, MCA	Use of tobacco product in public school building or on public school property prohibited ( <i>revised by House Bill 128</i> )
	§§ 50-40-101, <i>et seq.</i> , MCA	Montana Clean Indoor Air Act of 1979
	ARM 37.111.825	Health Supervision and Maintenance

#### Policy History:

Adopted on: 2/14/06

Reviewed on: 2/10/15

Revised on: 7/18/23

Clinton Elementary

Adopted on:  
Reviewed on:

8300

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

Risk Management

The Board believes that the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

The District will purchase surety bonds for the Clerk and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the District’s financial operations.

Legal Reference:	§ 20-6-608, MCA	Authority and duty of trustees to insure district property
	§ 20-3-331, MCA	Purchase of insurance – self-insurance plan
	§§ 2-9-101, et seq., MCA	Liability Exposure
	§ 2-9-211, MCA	Political subdivision insurance
	§ 2-9-501, MCA	Application – bonds excepted



District Safety

The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the District. Rules for safety and prevention of accidents will be posted in compliance with Montana Safety Culture Act and the Montana Occupational Safety and Health Act. Injuries and accidents will be reported to the District office.

The building principal will develop a plan of fire, civil defense, tornado, and earthquake warning, protection, and evacuation. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year. All teachers will discuss disaster drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. A record will be kept of all fire drills. The drills will be held at different hours of the day or evening to avoid distinction between drills and actual disasters. The Superintendent will develop safety and health standards that comply with the Montana Safety Culture Act.

*Safety or Emergency Plans*

The Board shall review the school safety or emergency operations plan at least annually and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the Board has made the annual certification to OPI, it may transfer funds pursuant to Section 20-1-401, MCA to make improvements to school safety and security.

The school safety plan or emergency operations plan must include threat assessment practices regarding the following:

1. The adoption of a threat assessment protocol, outlining policies and procedures for implementation when there is notification of a student threat of harm to others or property; and
2. An identified threat assessment team, composed of key staff, that meets at least monthly and may include behavioral threat assessment addressing students in need of academic and behavioral supports or interventions.

*School Closure*

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. Specific procedures for school closures may be found in the District's Safety Plan or Emergency Operations Plan. The Board shall periodically review the District's Safety Plan or Emergency Operations Plan and shall update the plan as necessary based upon changing circumstances regarding school safety.

*Hazardous and Infectious Materials*

The Superintendent shall take all reasonable measures to protect the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials, including pesticides, and infectious materials. Specific procedures for handling hazardous or infectious materials may be found in the District’s Safety Plan.

*Safety Measures*

The Superintendent is authorized to adopt reasonable safety measures to protect the safety of District personnel, students, and visitors on District premises and during school-related activities. Reasonable safety measures include adoption of cleaning/sanitization plans, use of physical safeguards/barriers, and required use of personal protective equipment (*e.g.*, face masks). Exceptions to any requirements adopted by the Superintendent may be granted as required by law and on a case-by-case basis.

Legal References:	§ 20-1-401, MCA	Disaster drills ( <i>revised by Senate Bill 213</i> )
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§ 20-1-801, <i>et seq.</i> , MCA	Emergency School Closure
	§§ 39-71-1501, MCA	Montana Safety Culture Act
	§ 50-71-111, <i>et. seq.</i> , MCA	Montana Occupational Health and Safety Act

Cross References:

Policy History:

Adopted on: 9/10/13

Revised on: 2/10/15; 8/13/20; 7/18/23

## Clinton School District

### NONINSTRUCTIONAL OPERATIONS

8301

#### School Safety

The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the District. Rules for safety and prevention of accidents will be posted in compliance with Montana Safety Culture Act and the Montana Occupational Safety and Health Act. Injuries and accidents will be reported to the District office.

The building principal will develop a plan that identifies the risks posed by potential local hazards within the boundaries of the District. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year. All teachers will discuss disaster drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. A record will be kept of all fire drills. The drills will be held at different hours of the day or evening to avoid distinction between drills and actual disasters. The Superintendent will develop safety and health standards that comply with the Montana Safety Culture Act.

#### *Safety or Emergency Plans*

The Board shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the Board has made the certification to OPI, it may transfer funds pursuant to Section 20-1-401, MCA to make improvements to school safety and security.

#### *School Closure*

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. Specific procedures for school closures may be found in the District's Safety Plan or Emergency Operations Plan. The Board shall periodically review the District's Safety Plan or Emergency Operations Plan and shall update the plan as necessary based upon changing circumstances regarding school safety.

#### *Hazardous and Infectious Materials*

The Superintendent shall take all reasonable measures to protect the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials,

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

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4 or item is necessary, disinfection shall occur in accordance with stated guidance and substance  
5 instructions.

6  
7 Physical Barriers and Guides  
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9 Personnel shall review school buildings and identify areas where installation of physical barriers,  
10 such as sneeze guards and partitions, shall assist or protect students and staff. Personnel shall  
11 coordinate with building or district administrators to complete or install any identified physical  
12 barrier.

13  
14 Legal References: 37.111.841, ARM Cleaning and Maintenance  
15 10.55.701(s), ARM Board of Trustees  
16

17 Policy History:

18 Adopted on: 5/9/23

19 Reviewed on: 5/8/23

20 Revised on:

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

8320

NONINSTRUCTIONAL OPERATIONS

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Revised on:

Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District’s protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference:      § 20-6-608, MCA      Authority and duty of trustees to insure district property

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on:

8400

NONINSTRUCTIONAL OPERATIONS

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Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

Legal Reference:	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings – when election required
	§ 20-6-604, MCA	Sale of property when resolution passed after hearing – appeal procedure

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

Revised on:

8410

NONINSTRUCTIONAL OPERATIONS

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Operation and Maintenance of District Facilities

The District seeks to maintain and operate facilities in a safe and healthful condition. The facilities manager, in cooperation with principals, fire chief, and county sanitarian, will periodically inspect plant and facilities. The facilities manager will develop a program to maintain the District physical plant by way of a continuous program of repair, maintenance, and reconditioning. Budget recommendations will be made each year to meet these needs and any such needs arising from an emergency.

The facilities manager will formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve District resources in their buildings.

Legal Reference: 10.55.908, ARM School Facilities



2  
3 **NONINSTRUCTIONAL OPERATIONS**

4  
5 Water Supply Systems and Wastewater

6  
7 The District shall ensure an adequate and potable supply of water for school buildings and  
8 properties by either:

- 9
- 10 (a) connecting to a compliant public water supply system; or
- 11 (b) utilizing a non-public system whose construction and use meet the standards
- 12 published by DPHHS if the school is not utilized by more than 25 persons daily at
- 13 least 60 days out of the calendar year, including staff and students, and a
- 14 - compliant public water supply system is not accessible. When using a system
- 15 outlined in this subsection (b) a school shall submit a water sample at least
- 16 quarterly to a laboratory licensed by the DPHHS to perform microbiological
- 17 analysis of the water supplied in order to determine that the water does not exceed
- 18 the maximum microbiological contaminant levels acceptable to DPHHS.

19  
20 A water supply system of a type other than described in subsections (a) or (b) may be utilized  
21 only if it is designed by a professional engineer and offers equivalent sanitary protection as  
22 determined by DPHHS or local health authority. When using a system outlined in this  
23 paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by  
24 DPHHS to perform microbiological analysis of the water supplied in order to determine that  
25 the water does not exceed the maximum microbiological contaminant levels acceptable to  
26 DPPHS, DEQ, or local health authority.

27  
28 The District shall replace or repair the water supply system serving it whenever the  
29 water supply:

- 30
- 31 (a) contains microbiological contaminants in excess of the maximum levels
- 32 acceptable to DPPHS, DEQ, or local health authority.
- 33 (b) does not have the capacity to provide adequate water for drinking, cooking,
- 34 personal hygiene, laundry, and water-carried waste disposal.

35  
36 If the District cannot make water under pressure available, the drinking water from an approved  
37 source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable  
38 faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be  
39 provided.

40  
41 Flushing and Testing

42  
43 The District shall review water systems and features including but not limited to sink faucets,  
44 drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility  
45 shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create  
46 and implement a flushing program unless it meets the established waiver requirements

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4 established by DEQ. Flushing shall be required following any period of time during which the  
5 school is inactive.

6  
7 The District shall maintain a schematic and inventory of fixtures in accordance with DEQ  
8 protocols as part of the District’s water testing program. The District shall sample all water  
9 fountains and sinks used for food preparation. All other potential human consumption fixtures  
10 shall be sampled, unless the District receives approval for a testing plan from DEQ to test a  
11 representative sample of potential fixtures in the school in accordance with DEQ protocols. All  
12 samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking  
13 water methods for the detection and quantification of lead. All test results will be considered  
14 public records.

15  
16 Wastewater

17  
18 The District shall ensure wastewater is completely and safely disposed of by:

- 19 (a) connecting to a compliant public wastewater system; or  
20 (b) if the school is not utilized by more than 25 persons daily at least 60 days out of  
21 the calendar year, including staff and students, and a compliant public wastewater  
22 system is not available, utilizing a non-public system whose construction and use  
23 meet DEQ construction and operation standards.

24  
25 If the District uses pit privies, the privies shall be operated and maintained in compliance  
26 with the standards specified in DEQ Circular-4. If the District uses a wastewater system  
27 design of a type other than described in this policy, it shall be designed by a professional  
28 engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or  
29 local health authority.

30  
31  
32 Legal References: 37.111.832, ARM Water Supply System  
33 ARM Title 17, chapter 38, subchapter 1  
34 17.38.207, ARM Maximum Microbiological Containment Levels  
35 DEQ Circular FCS 1-2016.  
36 DEQ Circular 4  
37 10.55.701(s), ARM Board of Trustees  
38 10.55.701(l), ARM Board of Trustees  
39 10.55.701(q), ARM Board of Trustees

40  
41 Policy History:  
42 Adopted on: 6/14/22  
43 Reviewed on:  
44 Revised on:  
45

Clinton Elementary

Adopted on:  
Reviewed on: 02/10/15

8420

NONINSTRUCTIONAL OPERATIONS

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Revised on:

District-Wide Asbestos Program

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

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# Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

8421

## NONINSTRUCTIONAL OPERATIONS

Revised on:

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Page 1 of 2

### Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the Clinton Elementary School District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

“*Renovation*” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

### Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Superintendent with EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
  - (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.
  - (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or

guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

4. The renovation company must prepare, sign, and date a statement describing the 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).*

Legal Reference:      40 CFR Part 745, Subpart E      Lead-based paint poisoning in certain residential structures  
   15 U.S.C. 2682 and 2886      Toxic Substances Control Act, Sections 402 and 406

# Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/18/11

8425 - R

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

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## Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Clinton School District will permit the use of service animals by an individual with a disability according to state and federal regulations. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:	Policy 8425P	Procedure for allowance of service animals
	Policy 8425F	Service Animals in District Facilities Form
	Policy 2161	Special Education
	Policy 2162	Section 504 of the Rehabilitation Act of 1973
Legal Reference:	28 CFR 35.136	Service Animals
	28 CFR 35.104	Definitions
	49-4-203(2), MCA	Definitions

Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/18/11, 02/10/15

8425P - R

NONINSTRUCTIONAL OPERATIONS

Revised on:

Service Animal Allowance Procedure

The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability ( e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Miniature horses assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Clinton Elementary

Adopted on: 09/13/11  
Reviewed on: 08/18/11, 02/10/15

8425F

NONINSTRUCTIONAL OPERATIONS

Revised on:

**Service Animals in District Facilities**

Please provide the following information about the service animal.

1. Parent/Staff and/or emergency contact information: \_\_\_\_\_

2. Type of service animal (breed, age, and history): \_\_\_\_\_

3. Insurance company insuring the service animal: \_\_\_\_\_

Attached proof of insurance:  Received  Not Received

4. Agent name and address: \_\_\_\_\_

5. Phone number: \_\_\_\_\_

Proof of current and proper vaccinations:  Received  Not Received

Documentation of Public Access Test (PAT):  Received  Not Received

8. Name of trainer or organization who administered the PAT: \_\_\_\_\_

9. Address of trainer or organization: \_\_\_\_\_

10. Phone number of trainer or organization: \_\_\_\_\_

11. List and attach any letters or other documentation from medical providers or other service providers regarding the student's/staff's need for the service animal: \_\_\_\_\_

Received  Not Received

12. Has the student/staff member requesting use of the animal been trained as the animal's handler?  Yes  No

If no, who will act as the trained handler for the animal during the school/work day? \_\_\_\_\_

13. Is the student/staff able to independently care for the service animal's needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.)  Yes  No

14. Describe the manner in which the service animal will meet the student's/staff's individual needs:

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



Clinton Elementary

Adopted on:  
Reviewed on:

8430 - R

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

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.

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Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

- Cross Reference:     1402             School Board Use of Electronic Mail
- 3600, 3600P    Student Records
- 5231, 5231P    Personnel Records
- 5450             Employee Electronic Mail and On-Line Services Usage

- Legal Reference:     Montana Secretary of State (Rules for Disposition of Local Government Records)
- Federal Rules of Civil Procedure (FRCP)
- § 2-6-403, MCA     Duties and responsibilities
- § 20-1-212, MCA    Destruction of records by school officer
- § 20-9-215, MCA    Destruction of certain financial records
- 24.9.805 (4), ARM   Employment Records

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

8440

NONINSTRUCTIONAL OPERATIONS

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Computer Software

Unauthorized copying of any computer software licensed or protected by copyright is theft. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by a copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Clinton Elementary

Adopted on: 11/11/08

Reviewed on:

Revised on: 02/10/15

8450

NONINSTRUCTIONAL OPERATIONS

Automated External Defibrillators (AED)

The Board of Trustees of the Clinton School District recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The Board has purchased one or more of these units for use by qualified personnel. The Board of Trustees approves the use of AED units, subject to the following conditions:

1. Establish a program for the use of an AED that includes a written plan that must specify:
  - Where the AED will be placed;
  - The individuals who are authorized to operate the AED;
  - How AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;
  - The medical supervision that will be provided;
  - The maintenance that will be performed on the AED;
  - Records that will be kept by the program;
  - Reports that will be made of AED use;
  - The name, location, and telephone number of a Medical Supervisor designated to provide medical supervision of the AED program; and
  - Other matters as specified by the Department of Public Health and Human Services;
2. Adhere to the written plan required by subsection (1);
3. Ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the proper use of an AED;
4. Maintain, test, and operate the AED according to the manufacturer’s guidelines and maintain written records of all maintenance and testing performed on the AED;
5. Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the District as required by the written plan;
6. Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
  - a. A copy of the plan prepared pursuant to this section; and
  - b. Written notice, in a format prescribed by the DPHHS rules, stating:
    - i. That an AED program has been established by the District;
    - ii. Where the AED is located; and
    - iii. How the use of the AED is to be coordinated with the local emergency medical service system.

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4 Liability Limitations  
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6 An individual who provides emergency care or treatment by using an AED in compliance with  
7 this policy and an individual providing cardiopulmonary resuscitation to an individual upon  
8 whom an AED is or may be used are immune from civil liability for a personal injury that results  
9 from that care or treatment.  
10

11 An individual who provides emergency care or treatment by using an AED in compliance with  
12 this policy and an individual providing cardiopulmonary resuscitation to an individual upon  
13 whom an AED is or may be used are immune from civil liability as a result of any act or failure  
14 to act in providing or arranging further medical treatment for the individual upon whom the AED  
15 was used, unless the individual using the AED or the person providing CPR, as applicable, acts  
16 with gross negligence or with willful or wanton disregard for the care of the person upon whom  
17 the AED is or may be used.  
18

19 The following individuals or entities are immune from civil liability for any personal injury that  
20 results from an act or omission that does not amount to willful or wanton misconduct or gross  
21 negligence, if applicable provisions of this part have been met by the individual or entity:  
22

- 23 a. A person providing medical oversight of the AED program, as designated in the plan;  
24 b. The entity responsible for the AED program, as designated in the plan;  
25 c. An individual providing training to others on the use of an AED.  
26  
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28

29 Legal Reference: Title 37, Chapter 104, subchapter 6, ARM – Automated External  
30 Defibrillators (AED)  
31 §50-6-501, MCA Definitions  
32 §50-6-502, MCA AED program – requirements for AED use  
33 §50-6-503, MCA Rulemaking  
34 §50-6-505, MCA Liability limitations  
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