

CLINTON ELEMENTARY SCHOOL DISTRICT

R = required

1000 SERIES THE BOARD OF TRUSTEES

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Clinton Elementary

Adopted on:
Reviewed on:

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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**

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3 **FLEXIBILITY AND EFFICIENCY**

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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 20-9-311(4)(a)(b)(d), MCA Calculation of average number belonging

21 (ANB) – 3-year averaging

22 20-3-324, MCA Powers and duties

23 10.55.906 ARM High School Credit

24 20-7-1601, MCA Personalized learning

25 Chapter 307 (2023) Revise transformational learning program

26

27

28 Policy History:

29 Adopted on: 10/10/23

30 Reviewed on:

31 Revised on:

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3 **FLEXIBILITY AND EFFICIENCY**

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4
5 Transfers for School Safety

6
7 It is the policy of the District to increase the flexibility and efficiency of the District's resources by
8 utilizing the provision of law allowing transfers of funds to improve school safety and security.

9
10 The District may transfer state or local revenue from any budgeted or non-budgeted fund, other than the
11 debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school
12 district's estimated costs of improvements to school and student safety and security.

13
14 The transfer of such funds can be for:

- 15
16 1. planning for improvements to and maintenance of school and student safety,
17 including but not limited to the cost of services provided by architects, engineers,
18 school resource officers, counselors, and other staff or consultants assisting with
19 improvements to school and student safety and security;
20 2. programs and training for school employees, students, parents, and community
21 members approved by the trustees to support school and student safety and security,
22 including but not limited to active shooter training, threat assessment practices
23 outlined in Policy 8301 and restorative justice;
24 3. installing or updating locking mechanisms and ingress and egress systems at public
25 school access points, including but not limited to systems for exterior egress doors
26 and interior passageways and rooms, using contemporary technologies;
27 4. installing or updating bullet-resistant windows and barriers; and
28 5. installing or updating emergency response systems using contemporary technologies
29

30 Any transfers made under this policy and Montana law are not considered expenditures to be applied
31 against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance
32 with the five reasons stated above, within 2 full school fiscal years after the funds are transferred, must be
33 transferred back to the originating fund from which the revenue was transferred.

34
35 If transfers of funds are made from a District fund supported by a non-voted levy, the District may not
36 increase its non-voted levy for the purpose of restoring the transferred funds.

37
38 Legal Reference: 20-9-503, MCABudgeting, tax levy, and use of building reserve fund.
39 20-9-236, MCATransfer of funds – improvements to school safety and security
40 Chapter 348 (2023) School Safety Teams

41
42
43 Policy History:

44 Adopted on: 4/9/24

45 Reviewed on:

46 Revised on:

Clinton School District

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Multidistrict Agreements

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

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

A multidistrict agreement may include an agreement through which one district provides 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. The costs and other terms of service must be reflected in the multidistrict agreement.

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

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

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

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

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

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

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:

Clinton School District

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Recruitment and Retention

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

Flexible Instructor Licensing

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

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

- 1 • Retired Educators
 - 2 o 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 o 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 o Limited to employment in a second or third class elementary district or a second
 - 11 or third class high school district.
 - 12 o Retired teacher must have 27 years of experience in TRS.
 - 13 o There is a 3-year lifetime limit on the retired individual ~~going to working~~ under
 - 14 this provision.
 - 15
- 16 • Class 3 Administrative License
 - 17 o Valid for a period of 5 years
 - 18 o Appropriate administrative areas include: elementary principal, secondary
 - 19 principal, K-12 principal, K-12 superintendent, and supervisor.
 - 20 o 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 o 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 o Valid for a period of 5 years
 - 35 o Renewable pursuant to the requirements of 10.57.215, ARM and the requirements
 - 36 specific to each type of Class 4 license.
 - 37 o 4A – for licensed teachers without a CTE endorsement
 - 38 o 4B – for individuals with at least a bachelor’s degree
 - 39 o 4C – for individuals with a minimum of a high school diploma or GED
 - 40
- 41 • Class 5 alternatives
 - 42 o Good for a maximum of 3 years
 - 43 o Requirements dependent upon the alternative the district is seeking
 - 44
- 45 • Emergency authorization of employment

- o Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
- o 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,
7		specialists and administrators – procedure –
8		definitions
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	<u>Policy History:</u>	
16	Adopted on:	
	12/12/23	
17	Reviewed on:	
18	Revised on:	

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

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

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

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

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

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Taking Office

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability. 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 (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a Trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which 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:
Reviewed on:

1113

BOARD OF TRUSTEES

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

Vacancies

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

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

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

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

Cross Reference: 1240 Duties of Individual Trustees
1112 Resignations

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

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

Adopted on:
Reviewed on:

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

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

School District

THE BOARD OF TRUSTEES

1210

Qualifications, Terms, and Duties of Board Officers

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

Chairperson

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

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

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

Vice Chairperson

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

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

Policy History:

Adopted on: November 9, 2021

Reviewed on: November 9, 2021

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

THE BOARD OF TRUSTEES

Duties of Individual Trustees

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

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

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

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

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

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 3/12/24

Clinton Elementary

Adopted on:

Reviewed on:

1310 - R

BOARD OF TRUSTEES

Revised on: 02/10/15

District Policy and Procedures

Adoption and Amendment of Policies

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

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

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

Policy Manuals

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

Suspension of Policies

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

Administrative Procedures

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

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

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

Clinton School District

THE BOARD OF TRUSTEES

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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

2
3 **THE BOARD OF TRUSTEES**

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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
14 Board Chair before being placed on the agenda. Citizens wishing to make brief comments about
15 school programs or procedures will follow the public comment procedures in district policy.

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

24
25 Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and
26 relevant supplementary information will be prepared and distributed to each trustee at least forty-
27 eight (48) hours in advance of a Board meeting and will be available to any interested citizen at the
28 Superintendent’s office forty-eight (48) hours before a Board meeting. Agendas serving as the public
29 notice of a meeting will be posted and distributed in accordance with Policy 1400. Agendas shall
30 note the meeting will be recorded in accordance with this policy. Upon convening a meeting, the
31 Board Chair shall announce the meeting is being recorded in accordance with this policy.

32
33
34 **Recording and Broadcast**

35
36 Unless exempt as a third-class district under Section 20-6-201, MCA, and Section 20-6-301, MCA,
37 the District shall record their public meetings as described in Policy 1400 in an audio and video
38 format. The District shall make the audio and video recordings publicly available within 5 business
39 days after the meeting with a link to the recording on the District’s website. If the District does not
40 maintain a website, it shall establish and maintain a social media page and provide a link to the
41 recording on the social media page.

42
43 The audio and video recordings created in accordance with this section of the policy are not required
44 to be the official record or minutes of the meeting as detailed elsewhere in the policy. If a recording
45 is not designated as the official record or minutes, the recording may be destroyed after being
46 retained online for 1 year and will no longer be subject to the requirements of Title 2, Chapter 6, for
47 public information requests upon destruction. If a recording is designated as the official record or

1 minutes as specified in this policy, the provisions of the policy as required by Section 2-3-212, MCA,
2 shall apply.

3
4 The District is not required to disrupt or reschedule a meeting if there is a technological failure of
5 the meeting recording. If the recording is not able to be made available on the District's website or
6 social media site, the District shall prominently post a notice in the same manner as a notice of a
7 public meeting under Policy 1400 and shall post a notice at all locations where the meeting recording
8 links are available. The notice must explain the reason the meeting was not recorded and describe the
9 steps taken to remedy the failure prior to the next meeting.

10 20 Consent Agenda

21
22 To expedite business at its meetings, the Board approves the use of a consent agenda, which includes
23 those items considered to be routine in nature. Any item that appears on the consent agenda may be
24 removed by a member of the Board. Any Board member who wishes to remove an item from the
25 consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items
26 will be voted on by a single motion. The approved motion will be recorded in the minutes, including
27 a listing of all items appearing on the consent agenda.

28 29 Minutes

30
31 Appropriate minutes of all meetings required to be open must be kept and must be available for
32 inspection by the public.

1
2 Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled
3 meeting of the Board. Minutes need not be read publicly, provided that Board members have had an
4 opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be
5 maintained in the office of the Clerk, to be made available for inspection upon request. A written
6 copy shall be made available within five (5) working days following approval by the Board.

7 8 Quorum 9

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

14 15 Electronic Participation 16

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

22
23 If the Board allows a member to participate electronically, the member will be considered present
24 and will have his or her actual physical presence excused. The member shall be counted present for
25 purposes of convening a quorum. The Clerk will document it in the minutes, when members
26 participate in the meeting electronically.

27
28 Any Board member wishing to participate in a meeting electronically will notify the Chairperson and
29 Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in
30 a location with the appropriate equipment so that Board members participating in the meeting
31 electronically may interact, and the public may observe or hear the comments made. The
32 Superintendent will take measures to verify the identity of any remotely located participants.

33 34 Meeting Conduct and Order of Business 35

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

40 41 Rescind a Motion 42

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

46
47 Cross Reference: 1441 Audience Participation
48

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

Policy History:

Adopted on: 12/12/21

Reviewed on:

Revised on: 6/11/24

Clinton Elementary

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

1420F

BOARD OF TRUSTEES

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
Revised on:

1441 - R

BOARD OF TRUSTEES

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

1 **Clinton School District**

2
3 **THE BOARD OF TRUSTEES**

1511

4
5 Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

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

32
33 Support the employment of those persons best qualified to serve as school staff and insist on regular and
34 impartial evaluation of staff;

35
36 Avoid being placed in a position of conflict of interest and refrain from using my Board position for
37 personal or partisan gain;

38
39 Avoid compromising the Board or administration by inappropriate individual action or comments and
40 respect the confidentiality of information that is privileged under applicable law;

41
42 Remember always that my first and greatest concern must be the educational welfare of students
43 attending public schools.

44
45 Policy History:

46 Adopted on: 2/10/15

47 Reviewed on:

48 Revised on: 6/11/24
49

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 (4th) degree or by affinity within the second (2nd) degree.
 - a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.
 - b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.
 - c. This prohibition does not apply if trustees comply with the following requirements: 1) **All trustees**, except the trustee related to the person to be employed or appointed, vote to employ the related person; 2) the trustee related to

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

Degrees of Affinity

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

Degrees of Consanguinity

		4		
		Great Great Grandparent		
	3		5	
	Great Grandparent		Great Great Uncle/Aunt	
	2	4	6	
	Grandparent	Great Uncle/Aunt	Child of Great Uncle/Aunt	
1	3	5	7	
Parent	Uncle/Aunt	Child of GG Uncle/Aunt	Grandchild of GG Uncle/Aunt	
Trustee				
	2	4	6	8
	Brother/Sister	1 st Cousin	2 nd Cousin	3 rd Cousin
1	3	5	7	
Child	Nephew/Niece	1 st Cousin once removed	2 nd Cousin once removed	
	2	4	6	
	Grandchild	Grand Nephew/Niece	1 st Cousin twice removed	
	3	5		
	Great Grandchild	Great Grand Nephew/Niece		
		4		
		Great Great Grandchild		

Degrees of Affinity

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

Clinton Elementary

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

1513 - R

BOARD OF TRUSTEES

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	<u>Policy History:</u>		
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

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 School District

R

THE BOARD OF TRUSTEES

1610

Goals and Objectives

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

The Chairperson may appoint a committee of the Board, to include the District Administrator to annually review the goals and report to the Board.

Integrated Action Plan

The Board shall develop, with stakeholder input, an integrated strategic action plan to which the district graduate profile is aligned. The Board shall implement, monitor, and evaluate the District action plan and make the plan publicly available on the District website. The District plan shall be updated at least every three years based on a comprehensive needs assessment with meaningful stakeholder input and feedback that comply, at a minimum, with Policies 1400 and 1420. The plan must clarify what specific steps must be taken to achieve the district graduate profile and reflect a continuous improvement process.

The integrated action plan shall include:

(a) a school district graduate profile as defined in 10.55.602 ARM and consistent with Policy 2410P;

(b) the school district's educational goals consistent with Policy 2000;

(c) a description of planned progress toward implementing all content and program area standards consistent with Policy 2110 and Policy 2120;

(d) a description of strategies for assessing student progress toward meeting all content standards consistent with Policy 2120;

(e) a professional development component consistent with Policy 5121;

(f) a description of how the district will meet programmatic requirements of state and federal grants;

(g) a description of strategies for addressing the needs of gifted and talented students consistent with Policy 2166, children with disabilities consistent with Policy 2161 and Policy 2162, English learner students consistent with Policy 2500, and at-risk students as defined in 20-1-101, MCA and served by Policy 3610.

The District shall report and submit their adopted integrated strategic action plan to the Superintendent of Public Instruction.

<u>Cross Reference:</u>	<u>MTSBA Strategic Governance Policy Series – 1000SG</u>	
	Policy 2410P	Graduation
	Policy 2000	Goals
	Policy 2110	Objectives
	Policy 2120	<u>Curriculum and Assessment</u>
	Policy 2161	<u>Section 504</u>
	Policy 2162	<u>Special Education</u>
	Policy 2166	<u>Gifted and Talented</u>
	Policy 2500	<u>English Learners</u>
	Policy 3610	<u>At Risk Student Programs</u>
	Policy 5121	<u>Professional Development</u>

<u>Legal Reference:</u>	<u>Section 20-1-101, MCA</u>	<u>Definitions</u>
	10.55.701(2)(a), ARM	<u>Board of Trustees</u>
	10.55.601, ARM	<u>Accreditation Standards: Procedures</u>
	10.55.602, ARM	<u>Definitions</u>
	10.55.603, ARM	<u>Curriculum and Assessment</u>
	10.55.714, ARM	<u>Professional Development</u>
	10.55.804, ARM	<u>Gifted and Talented</u>
	10.55.805, ARM	<u>Children with Disabilities</u>
	10.55.806, ARM	<u>English Learners</u>

Policy History:
 Adopted: 2/10/15
 Reviewed on:
 Revised on:6/11/24

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

1635

BOARD OF TRUSTEES

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

2
3 **THE BOARD OF TRUSTEES**

1650

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:

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

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.

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 School District

INSTRUCTION

2100

School Year Calendar and Day

School Calendar

Subject to Montana law, and any applicable collective bargaining agreement covering the employment of affected employees, the trustees 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

The District shall conduct appropriate exercises on the following commemorative days:

- Lincoln's Birthday (February 12)
- Washington's Birthday (February 22)
- Arbor Day (last Friday in April)
- Flag Day (June 14)
- Citizenship Day (September 17)
- American Indian Heritage Day (fourth Friday in September)
- Columbus Day (October 12)
- Pioneer Day (November 1)
- Freedom Week (last full week of September)
- Other days designated by the Legislature or Governor as legal holidays

The Superintendent or designee shall develop appropriate exercises for these commemorative days and shall report on such exercises to the Board.

Saturday School

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

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

School Holidays

The schools in the District shall be closed on the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Day; and State and national election days when the school building is used as a polling place and the conduct of school would interfere with the election process at the polling place. When these holidays fall on Saturday or Sunday, the preceding Friday or the succeeding Monday shall not be a school holiday. The Board may establish other holidays.

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
	§ 20-1-306, MCA	Commemorative exercises on certain days
	ARM 10.55.701	Board of Trustees

Policy History:

Adopted on: 09/13/11

Reviewed on: 08/11/11

Revised on: 09/09/25

Clinton Elementary

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

2105 - R

INSTRUCTION

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

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

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

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

participation in activities as provided in this policy; the approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled; and how to request access to any survey or other material described in this policy.

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

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

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

Legal Reference: 20 U.S.C. 1232h Protection of Pupil Rights
 § 40-6-701, MCA Interference with Fundamental Parental Rights
 Restricted (*revised by House Bill 676*)

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 9/12/23

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 Public Schools
SCHOOL ACTIVITIES INFORMED CONSENT AND
INSURANCE VERIFICATION FORM

I _____ approve of my child _____ participating in extracurricular activities such as Middle School Sports, After School Program, and Field Trips at Clinton School for the _____ school year.

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 any of the above School Activities.

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: _____
(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

Title I Parent and Family Engagement

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

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

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

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

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

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

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

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

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

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

United States Code	Description
Title 20, Chapter 70, Subchapter I	Improving the Academic Achievement of the Disadvantaged
Cross References	Description
2132	Student and Family Privacy Rights
2158	Parent and Family Engagement and Educational Involvement

Policy History:

Adopted on: 08/09/05

Reviewed on: 2/10/15

Revised on: 05/13/25

Title I – Equivalency/Comparability

- A. To assure that state and local services are provided in Title I schools at least equivalent to such services in non-Title I schools, these policies will be observed in the School District.
1. Salary Scales The District-wide salary scales will be applicable to all staff whether assigned to Title I or non-Title I schools.
 2. Assignment of Teachers, Administrators, and Support Personnel Assignment of teachers, administrators, and support personnel will be made in such a way to assure that the numbers of students per staff person in Title I schools shall be equivalent to the average number of students per staff person in relevant comparison schools (i.e., non-Title I or other Title I schools).
 3. Curriculum Materials and Instructional Supplies Curriculum materials and instructional supplies will be provided to schools with the same grade spans on a per-pupil cost factor to assure that all children have access to the same level of state and local resources regardless of whether they attend a Title I or non-Title I school.

Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

Community

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

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

Administration

It is the responsibility of the administration to:

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

United States Code

Title 20, Chapter 70, Subchapter I

Description

Improving the Academic Achievement of the Disadvantaged

Cross References

2132

Description

[Student and Family Privacy Rights](#)

2158

[Parent and Family Engagement and Educational Involvement](#)

Policy History:

Adopted on: 08/09/05

Reviewed on: 2/10/15

Revised on: 05/13/25

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.

Administrative Rules of Montana	Description
10.16.3122	Local Educational Agency Responsibility for Students with Disabilities
10.16.3220	Program Narrative
10.16.3321	Comprehensive Educational Evaluation Process
10.16.3340	Individualized Education Program and Placement Decisions
10.16.3346	Aversive Treatment Procedures
10.16.3560	Special Education Records
10.60.103	Identification of Children with Disabilities
37.85.414	Maintenance of Records and Auditing (Medicaid)

Montana Code Annotated	Description
20-1-213	Transfer of School Records
20-7-469	Dyslexia-definition-screening-intervention Special
Title 20, Chapter 7, part 4	Education for Exceptional Children

United States Code	Description
29 USC 701, et seq	Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990
Title 20, Chapter 33, Subchapter I	Individuals with Disabilities Education Act

Code of Federal Regulations	Description
34 CFR 300.1, et seq.	Individuals with Disabilities Education Act

Cross References	Description
1005FE	Proficiency-Based ANB
1610	Goals and Objectives
2050	Innovative Student Instruction
3141	Nonresident Student Attendance
3141-F(1)	Nonresident Student Attendance - Application Form
8111	Transportation of Students With Disabilities
8425	Service Animals
8425-P(1)	Service Animals-Procedure

Policy History:
 Adopted on: 2/10/15
 Revised on: 5/13/25

Special EducationChild Find

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:

A. Infants and Toddlers (Birth through Age 2)

Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.

B. Preschool (Ages 3 through 5)

Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.

C. In-School (Ages 6 through 18)

Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.

D. Post-School (Ages 19 through 21)

Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.

E. Private Schools (This includes home schools.)

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

F. Homeless Children

G. Dyslexia

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

- A. a child in the first year that the child is admitted to a school of the district up to grade 2; and
- B. a child who has not been previously screened by the district and who fails to meet grade-level reading benchmarks in any grade;

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

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

Procedures for Evaluation and Determination of Eligibility

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

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

Procedural Safeguards and Parental Notification

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

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

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

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

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

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

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

Evaluation of Eligibility

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

Individualized Education Programs

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

Independent Education Evaluations

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child in accordance with law. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the District at District expense.

If the parents request an independent educational evaluation, the District will provide information about where an independent educational evaluation may be obtained and the criteria applicable for independent educational evaluations. The District may also ask for the parent's reason why he or she objects to the public evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. If the parent obtains an independent educational evaluation at District expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation will be handled in accordance with law.

If an independent educational evaluation is at District expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation.

Least Restrictive Environment

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

Children in Private Schools/Out-of District Placement

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

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

Impartial Due Process Hearing

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

Special Education Records and Confidentiality of Personally Identifiable Information

A. Confidentiality of Information

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

B. Access Rights

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

C. List of Types and Locations of Information

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

D. Safeguards

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

E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. Medicaid reimbursement records must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent's request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children's Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of no longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student's educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child's teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.

Administrative Rules of Montana

10.16.3122

10.16.3220

10.16.3321

10.16.3340

10.16.3346

10.16.3560

10.60.103

37.85.414

Montana Code Annotated

20-1-213

20-7-469

Title 20, Chapter 7, part 4

United States Code

29 USC 701, et seq

42 USC 12101, et seq.

Title 20, Chapter 33, Subchapter I

Code of Federal Regulations

34 CFR 300.1, et seq.

Cross References

1005FE

1610

2050

3141

3141-F(1)

8111

8425

8425-P(1)

Policy History:

Adopted on: 1/13/09

Reviewed on: 2/10/15

Revised on: 05/13/25

Description

Local Educational Agency Responsibility for Students with Disabilities

Program Narrative

Comprehensive Educational Evaluation Process

Individualized Education Program and Placement Decisions

Aversive Treatment Procedures

Special Education Records

Identification of Children with Disabilities

Maintenance of Records and Auditing (Medicaid)

Description

Transfer of School Records

Dyslexia-definition-screening-intervention

Special Education for Exceptional Children

Description

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

Individuals with Disabilities Education Act

Description

Individuals with Disabilities Education Act

Description

[Proficiency-Based ANB](#)

[Goals and Objectives](#)

[Innovative Student Instruction](#)

[Nonresident Student Attendance](#)

[Nonresident Student Attendance - Application Form](#)

[Transportation of Students With Disabilities](#)

[Service Animals](#)

[Service Animals-Procedure](#)

Clinton Elementary

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

2162 - R

INSTRUCTION

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

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

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;

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

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

Early Literacy Targeted Intervention Programs

The Board seeks to collaborate with the Board of Public Education and the Office of Public Instruction to provide parents with voluntary early literacy interventions for their children, increase the number of children who are reading proficient at the end of 3rd grade to help children develop their full educational potential pursuant to Article X, Section (1)(1) of the Montana Constitution, and foster a strong economic return for the state on early literacy investment through enhancing Montana's skilled workforce and decreasing future reliance on social programs and the criminal justice systems.

A child is eligible for an Early Literacy Targeted Intervention Program if, based upon an evaluation administered at the request of and with the consent of the child's parent or guardian, the child is evaluated to be below trajectory for 3rd-grade reading proficiency for the child's age or grade level for the subsequent school year. The evaluation used shall be in accordance with the methodology approved by the Board of Public Education. The Board has determined it will offer the following Early Literacy Targeted Intervention Program(s) for an eligible child:

- A full-time classroom-based program for eligible children who are four (4) years of age or older on or before September 10 of the year in which the children are to participate in the program and are not entering and have not completed kindergarten. A parent/guardian may enroll an eligible child in full-time classroom-based program on a part-time basis.]. The classroom-based program must align with developmentally appropriate early education learning standards determined by the Board of Public Education.
- A jumpstart program for eligible children who are aged five years of age or older on or before September 10 of the year in which the children are to participate in the program and who have not yet completed 3rd grade. The jumpstart program shall occur during the time between the end of one school calendar year and the start of the next school calendar year as determined by the Board preceding a child's entry into kindergarten, 1st grade, 2nd grade, or 3rd grade. The jumpstart program shall be at least 4 weeks in duration and provide at least 120 instructional hours and be aligned to the framework determined by the Board of Public Education. The jumpstart program shall be designed in a manner to increase the likelihood of a child being evaluated at the end of the ensuing school year to be at or above a trajectory leading to reading proficiency at the end of 3rd grade.

Cross Reference: 3110

Entrance, Transfer, and Placement

Legal Reference: § 20-7-1801, *et seq*, MCA
Title 10, Chapter 63, ARM

Early Literacy Targeted Interventions
Early Childhood Education Standard (Eff.
July 1, 2025)

Policy History:

Adopted on: 04/09/24

Reviewed on:

Revised on:

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

2166

INSTRUCTION

Revised on:

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**

2167

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 granted 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
22 a. Schools verified by the Superintendent to be accredited by a recognized
23 accrediting agency;
24 b. Community colleges, vocational-technical institutes, four-(4)-year colleges and
25 universities and state-approved private schools in the state of Montana; and
26 c. Other Schools or institutions which are approved by the District after evaluation
27 for a particular course offering.

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.

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

Policy History:

Adopted on: 12/12/23

Reviewed on:

Revised on:

2
3 **INSTRUCTION**

2168

page 1 of 2

4
5
6
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.
45

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

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

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

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

Legal Reference:	§ 20-9-311(4)(d), MCA	Calculation of Average Number Belonging
	ARM 10.55.705	Administrative Personnel; Assignment of School Administrators/Principals
	ARM 10.55.906	High School Credit
	Chapter 580 (2023)	- Remote Instruction
	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 6th-8th 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
 classes offered by the District onsite as determined by the Superintendent or designee and will
 therefore be considered an elective class, subject to a student fee as referenced in this policy.

- 39
40 7. The District shall charge students a reasonable fee for an elective MTDA course or activity not
 required for graduation. The Board of Trustees authorizes the Superintendent to waive the fee
 in cases of financial hardship.

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.
46

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

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
Revised on:

2309 - R

INSTRUCTION

Library Materials

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure
 2314 Learning Materials Review

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

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

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

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

Clinton Elementary

Adopted on:

Reviewed on:

2312P - R

INSTRUCTION

Revised on: 02/10/15

Page 1 of 5

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 than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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

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

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
Revised on:

2325

INSTRUCTION

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

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

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

INSTRUCTION

2335

Health Enhancement

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

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

AIDS Education and Prevention

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

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

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

Legal Reference:	§§ 50-16-1001, et seq., MCA	AIDS Education and Prevention (AIDS Prevention Act)
	§ 20-7-120, MCA	<u>Excused Absences from Curriculum Requirements</u>

Policy History:

Adopted on: 08/11/09

Reviewed on:

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

Clinton School District

INSTRUCTION

2410P2

Graduate Profile

It is the Board's goal for the District to develop the full educational potential of each person consistent with Article X, section 1 of the Montana Constitution. The Board authorizes District staff to meet this goal through constitutionally protected personalized learning in accordance with Section 20-7-1601, MCA, 10.55.906 ARM, Policy 1005FE, Policy 1015FE, and Policy 2050.

The Board has established the expectations for graduation in Policy 2410 and Policy 2410P consistent with Montana law and Accreditation Standards. In addition to these academic standards, the Board has also adopted this graduate profile for placement in the District's Integrated Strategic Action Plan consistent with the requirements of Policy 1610 and ARM 10.55.601.

A graduate profile is a learner centered model based on a shared vision of learner attributes that students should have when they graduate or complete the required coursework to leave the schools in the District. Through its Integrated Strategic Action Plan, allocation of resources, implementation of policy, empowerment of students, staff, and families, the Board has created an atmosphere where a graduate of the District will hold the following attributes upon departure from the District.

Building a Strong Foundation

- Possesses healthy self-esteem to pursue personal and professional ambitions
- Maintains positive self-awareness to improve character and surroundings
- Navigates periods of uncertainty with self-assured humility
- Optimistic about opportunities for personal and professional success

Self-Confident Individual

- Demonstrates requisite knowledge of District and State content skills and standards
- Applies knowledge of content skills and standards to complete necessary tasks
- Sets personal and professional goals and adopts benchmarks for achievement
- Reviews achievements and challenges to engage in creativity, innovation, and fulfillment

Collaborating and Leading

- Identifies and articulates common expectations to establish productive relationships
- Utilizes appropriate methods to convey ideas in a responsible and transparent manner
- Stimulates growth in knowledge and adherence to ethical standards for peers and colleagues by modeling reliable and consistent behaviors
- Assumes personal responsibility for outcomes while properly assigning accountability to others

1 Prevailing as Problem Solver

- 2 • Seeks and examines accurate information to make intelligent judgements
3 • Expresses curiosity and employs inquiry about new perspectives or emerging challenges
4 • Asks necessary questions and comprehends responses to learn and assist others in learning
5 • Analyzes and accepts risks to determine acceptable outcomes
6

7 Contributing Citizen and Lifelong Learner

- 8 • Understands responsibility to participate in civic affairs to improve community
9 • Joins in discussions on community issues to implement workable solutions
10 • Respects and utilizes egalitarian practices based in the rule of law
11 • Enhances the pluralistic nature of society through truthful engagement
12

13 A special focus will be on the following skills to make sure our graduate is ready for high school,
14 college, trade schools, and into the work force:

- 15 • Adaptability
16 • Communication
17 • Conflict Resolution
18 • Critical Thinking
19 • Perseverance
20 • Personal Responsibility
21

22 Development Process
23

24 The School District shall utilize the community engagement strategies described in Policy 2158
25 to develop the Graduate Profile for placement in the Integrated Strategic Action Plan. The Board
26 of Trustees authorizes the District administrative staff to initiate development through a
27 community working group to complete a draft profile. The working group is authorized to
28 engage with District stakeholder groups representative of the community to solicit feedback on
29 the draft profile. Where appropriate, the working group will integrate received feedback into a
30 final draft for presentation to the Board of Trustees. The Board of Trustees will adopt a final
31 version of the profile with a visual representation consistent with his procedure and applicable
32 law.
33

34 Legal Reference: Article X, section 1, Montana Constitution.
35 Section 20-7-1601, MCA Transformational Learning
36 ARM 10.55.906 High School Credit
37 ARM 10.55.602(17) Graduate Profile
38

39 Policy Reference Policy 1005FE – Proficiency Learning
40 Policy 1015FE – Personalized Learning
41 Policy 1610 – Integrated Strategic Action Plan
42 Policy 2050 – Innovative Student Instruction
43

44 Policy History:

45 Adopted on: 8/20/24

46 Reviewed on:

47 Revised on:

Clinton Elementary

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

2413 - R

INSTRUCTION

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

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

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.

INSTRUCTIONPersonalized 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

Policy History:

Adopted on: 11/14/23

Revised on:

Clinton Elementary

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

2430

INSTRUCTION

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

2450

Recognition of Native American Cultural Heritage

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

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

Working in consultation 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, <i>et seq.</i> , MCA Indian Education for All (<i>revised by Senate Bill 181</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 th
	and 8 th 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: 10/14/25

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) 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 1st, 3rd and 5th 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.

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 (¹) 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).

¹ As recommended by the Dietary Guidelines for Americans 2005. 2 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.

1 **Clinton School District**

2
3 **INSTRUCTION**

2600

4
5 Work Based Learning Program

6
7 The Board recognizes that education should be making classroom experiences a meaningful
8 process of learning about all practical aspects of life. The Board believes that the inclusion of
9 career education in the basic curriculum will provide students with information about the many
10 career opportunities available and will establish a relationship between what is taught in the
11 classroom and the world of work.

12
13 Work-based learning must provide all participating students with on-the-job experience and
14 training along with career and complimentary vocational/technical classroom instruction to
15 contribute to each student's employability. The students' classroom activities and on-the-job
16 experiences must be planned and supervised by the school and the employer to ensure that both
17 activities contribute to the student's employability. Students enrolled in a work-based learning
18 program must receive credit for related classroom instruction and on-the-job training. In the
19 absence of a proficiency model, the time requirement for students in work-based learning must
20 be converted and is equivalent to the time requirement for credit to be earned.

21
22 Students may submit a proposal for a tailored Work Based Learning program that divides their
23 time between instruction in school and specific learning at a job. Each proposed program will be
24 planned by Work Based Learning coordinators and the employer (or employer groups) and shall
25 be in accordance with state and federal laws and regulations governing employment of students
26 under age 18. The Work Based Learning coordinators will communicate with employers on a
27 monthly basis and will visit work sites to determine if the placement is appropriate for student
28 employment.

29
30 The particular program designed for each student shall be set forth in a written protocol approved
31 by the student, his or her parents or guardians, the work-experience coordinator and the
32 employer. This shall stipulate the terms of employment and the provision for academic credit, the
33 student's work-based experience goals, prioritizing the student's academic commitments,
34 assessment of the work-based learning experience goals.

35
36 The Work Based Learning coordinator shall make such arrangements as necessary with
37 employers for evaluating the student's on-the-job performance and for keeping records of job
38 attendance.

39
40 The employer or supervisor shall complete District volunteer agreement form and satisfy a
41 name-based and fingerprint criminal background check in accordance with District Policies 5120
42 and 5122. The employee and District shall also complete workers compensation insurance and
43 general liability insurance requirements in accordance with the attached procedure in a manner
44 consistent with the Work Based Learning opportunity provided to student.

45
46 Cross Reference: 2600P Work Based Learning Procedures

1 2600F Work Based Learning Affiliation Agreement and Consent Form

2
3 Legal reference: Title 41, Chapter 2, MCA
4 Fair Labor Standards Act 29 U.S.C. 212 and 213, et seq.
5 Chapter 247 2021 General Legislative Session
6 Section 39-71-118(7), MCA Employee, worker, volunteer, volunteer
7 firefighter, and volunteer emergency care provider defined --election of
8 coverage.
9 Chapter 477 (2023) – Work Based Learning

10
11 Policy History:
12 Adopted on: 4/9/24
13 Reviewed on:
14 Revised on:

CLINTON ELEMENTARY SCHOOL DISTRICT

R = required

3000 SERIES STUDENTS

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INSTRUCTION

3110

Entrance, Placement, and Transfer
Entrance, Date, and Age

The trustees will enroll and admit a child to a school in the district when the child is 5 years of age or older on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age who is a resident of the District. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the Trustees.

Non-resident students may be admitted at the discretion of the Trustees. Children will be enrolled in the grade identified in accordance with District policy or at the discretion of the of the administration in consultation with the student's parents or guardians. The District requires proof of identity and an immunization record for every child to be admitted to District schools.

The Trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision. Students enrolled by the Trustees under this provision shall find the student's exceptional circumstances:

- (a) the child under 5 is determined by the trustees to be ready for kindergarten and the child's parents have requested early entry into the district's regular 1-year kindergarten program;
- (b) the child under 5 is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to Title 20, chapter 7, part 18 and Policy 2165; or
- (c) the adult is 19 years of age or older and in the trustees' determination would benefit from educational programs offered by a school of the district.

The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this Policy.

The trustees shall assign and admit a child who is enrolled in a nonpublic or home school and who meets the age and residency requirement of this policy on a part-time basis at the request of the child's parent or guardian consistent with the provisions of Policy 3150. A part time enrollee shall be calculated for purposes of ANB consistent with Policy 3121.

School Entrance

1. The District requires that a student's parents, legal guardian, or legal custodian present proof of identity of the child to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141. For the purposes of this section "proof of identity" means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity.
2. To be admitted to District schools, in accordance with the Montana Immunization Law, a child must have been immunized against varicella, diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents approved by the department. Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.
3. The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation and ensure a student receives education services in the best interests of the child. The Superintendent or designee shall serve as point of contact with all applicable agencies to review records, facilitate services and resolve disputes. _

Placement

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

Children of Relocated Military Families

The Board shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the District prior to arrival and establishing residency.

The student will be placed in student data management system as soon as enrolled under this provision. The student will attend classes during preliminary enrollment and the Board authorizes the administration to provide offsite instruction to the student if not present in the District. The District will include a student enrolled under this provision as part of the calculation of ANB.

Transfer

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

Elementary Grades (K-8)

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

Administrative Rules of Montana

	Description
10.16.3122	Local Educational Agency Responsibility for Students with Disabilities
10.55.712	Class Size Elementary
10.55.713	Teacher load and class size
Title 10, Chapter 55	Accreditation Standards

Montana Code Annotated

	Description
20-1-101	Definitions
20-5-101	Admittance of child to school
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
44-2-511	School enrollment procedure
Title 20, Chapter 5, Part 5	Enrollment of Pupil by Caretaker Relative

Cross References

	Description
2413	Credit Transfer and Assessment for Placement
3124	Military Compact Waiver
3125	Education of Homeless Children

Cross References

3141

3141-F(1)

3150

3413

3413-F(1)

3413-F(2)

3520

3600

3600-P(1)

3600-NF(1)

3600-F(1)

8100

Description

[Nonresident Student Attendance](#)

[Nonresident Student Attendance - Application Form](#)

[Part-Time Enrollment](#)

[Student Immunization](#)

[Student Immunization - Medical Exemption](#)

[Student Immunization - Religious Exemption](#)

[Student Fees, Fines, and Charges](#)

[Student Records](#)

[Student Records - Procedure](#)

[Student Records](#)

[Student Records](#)

[Transportation](#)

Policy History:

Adopted on: 08/09/05

Reviewed on: 2/10/15

Revised on: 05/13/25

Clinton Elementary

Adopted on: 02/14/12

Reviewed on: 01/10/12

3120 - R

STUDENTS

Revised on:

Compulsory Attendance

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

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

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

The provisions above do not apply in the following cases:

- (a) The child has been excused under one of the conditions specified in [20-5-102](#).
- (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
- (c) The child has been suspended or expelled under the provisions of [20-5-202](#).
- (d) The child is excused pursuant to Section 2 of 20-5-103.

Compulsory attendance stated above will not apply when children:

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

Legal Reference:	§ 20-1-308, MCA	Religious instruction released time program
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-102, MCA	Compulsory enrollment and excuses
	§ 20-5-103, MCA	Compulsory attendance and excuses
	§ 20-5-104, MCA	Attendance officer
	§ 20-5-106, MCA	Truancy
	§ 20-5-107, MCA	Incapacitated and indigent child attendance
	§ 20-5-108, MCA	Tribal agreement with district for Indian child compulsory attendance and other agreements
	§ 20-5-202, MCA	Suspension and Expulsion

Enrollment and Attendance Records

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

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

A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district, offsite instructional setting or remote instruction from the public schools of the district;

Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

Unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

Living with a caretaker relative under Section 1-1-215, MCA;

Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student's services are provided at the district's expense under an approved individual education plan supervised by the district;

Participating in the Running Start Program at district expense under Section 20-9-706, MCA;

Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;

Enrolled in an educational program or course provided at district expense using remote instruction consistent with Policies 2050, 2168, and 2170. The student:

must meet the residency requirements for that district as provided in 1-1-215;

shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

attend school in the district must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or

must be receiving remote instruction under 20-7-118(1)(c).

~~A student~~ enrolled on a part time basis consistent with Policy 3110, 3150, 3121P;

A student of the district completing work on a proficiency basis in accordance with Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;

A student enrolled by the Board for exceptional circumstances as defined in applicable District policies and in accordance with Section 20-5-101, MCA.

A student the child is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to Title 20, chapter 7, part 18 and Policy 2165 in a manner consistent with Section 20-9-311(3)(e), MCA;

A student gaining credit for participating in a work-based learning program pursuant to Section 20-7-1510, MCA, and Policy 2600;

A student participating in an "innovative educational program" as defined in Section 15-30-3102, MCA;

A resident of the district attending a Montana job corps program under an interlocal agreement with the district under Section 20-9-707, MCA; or

A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under Section 20-9-707, MCA.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging to, the student must meet one or more of the conditions for participating in offsite instruction

pursuant to Section 20-7-118, MCA.

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

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

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

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

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

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

Homeless Youth and Foster Children

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

Administrative Rules of Montana	Description
10.20.102	Calculation of Average Number Belonging
Montana Code Annotated	Description
1-1-215	Residence - rules for determining
20-1-101	Definitions
20-3-324	Powers and duties
20-5-101	Admittance of child to school
20-5-112	Participation in extracurricular activities
20-7-1510	Credit for participating in work based learning partnerships
20-7-1801, et seq	Targeted interventions to support 3rd grade reading proficiency
20-9-311	Calculation of Average Number Belonging
20-9-706	Running start program
20-9-707	Agreement with Montana youth challenge program or accredited Montana job corps program
Code of Federal Regulations	Description
34CFR300.1, et seq.	Individuals with Disabilities Education Act
Cross References	Description
2050	Innovative Student Instruction
3122	Attendance Policy
3123	Attendance Policy Procedure-Truancy
3150	Part-Time Enrollment

Policy History:

Adopted on: 11/13/07

Reviewed on:

Revised on: 05/13/25

Clinton Elementary

Adopted on:

Reviewed on:

Revised on: 09/10/13

3121P

STUDENTS

Page 1 of 2

Enrollment and Attendance Records

Average Number Belonging

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

For a child to be counted for ANB purposes:

- a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;
- b) Attending 181 to 359 aggregate hours = One-quarter time enrollment
- c) Attending 360 to 539 aggregate hours = One-half time enrollment
- d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment
- e) Attending 720 aggregate hours or more = Full-time enrollment

Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year may not be included for ANB purposes, unless the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency. 20-9-311(4)(d).

Homebound Students

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

- a) Is enrolled and is currently receiving organized and supervised pupil instruction;
- b) Is in a home or facility which does not offer a regular educational program; and

- c) Has instructional costs during the absence, which are financed by the District's general fund.

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

Attendance Accounting

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

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

Legal Reference:	10.20.102, ARM	Calculation of Average Number Belonging (ANB)
	§ 20-1-101, MCA	Definitions
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) – three-year averaging

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3122

STUDENTS

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:

Revised on: 09/10/13

3123 -R

STUDENTS

Attendance Policy - Truancy

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

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

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

OPT. 1 (1st class district) The _____ School district has appointed [name/position of district staff] as the attendance officer(s) of the district.

OPT. 2 (2nd class district with a dropout rate higher than the statewide average dropout rate as calculated by the office of public instruction shall appoint an attendance officer) The _____ School district has appointed [name/position of district staff] as the attendance officer(s).

OPT. 3 (2nd class district with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction may appoint an attendance officer) The _____ School district has appointed [name/position of district staff] as the attendance officer(s). If the district does not appoint an attendance officer, the county superintendent must be the attendance officer.

OPT. 4 (3rd class districts with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction may appoint an attendance officer) The _____ School district has appointed [name/position of district staff] as the attendance officer. If the district does not appoint an attendance officer, the county superintendent must be the attendance officer.

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

Education of Homeless Children

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

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

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

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

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

The Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children. A "homeless individual" is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. To further ensure that the District is removing barriers to the educational access and success of children and youths who are homeless, and to ensure that Title 1 funding is expended in an appropriate manner, the District has adopted the dispute resolution form at 3125F.

Montana Code Annotated

20-5-101

Description

Admittance of child to school

United States Code

42 U.S.C. 11301

Description

McKinney-Vento Homeless Educational Assistance Act

Cross References

1700

Description[Uniform Complaint Procedure](#)

3110

[Entrance, Placement, and Transfer](#)

3141

[Nonresident Student Attendance](#)

3141-F(1)

[Nonresident Student Attendance - Application Form](#)**Policy History:**

Adopted on: 08/09/05

Reviewed on: 2/10/15

Revised on: 05/13/25

3125 - R

STUDENTS

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 ~~other~~ 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 School District

STUDENTS

3141

Out-Of-District Student Enrollment

The Board will enroll out-of-district students in accordance with Montana law and this policy. A student's residence shall be determined pursuant to MCA § 1-1-215 except as otherwise provided by MCA § 20-9-207.

Out-of-District Student Enrollment with Extenuating Circumstances

The District shall enroll out-of-district students when extenuating circumstances exist pursuant to MCA § 20-5-321.

Out-of-District Student Enrollment with no Extenuating Circumstances

The District shall serve students who are residents of the District and out-of-district students who are subject to mandatory enrollment due to extenuating circumstances under MCA § 20-5-321 prior to enrolling other out-of-district students. The District may enroll out-of-district students at the request of the student's parent or guardian as provided in this policy when it is not mandatory because no extenuating circumstances exist. A parent or guardian seeking out-of-district enrollment when not mandatory shall apply on the out-of-district attendance agreement form approved by the Office of Public Instruction to the Board for approval on an annual basis. Out-of-district students shall reapply for admission for each school year. Admission in one school year does not imply or guarantee admission in subsequent years.

Applications for enrollment of out-of-district students must be submitted to the District for consideration by August 1st prior to the start of the school year in which attendance is sought. Applications for enrollment of out-of-district students must be submitted to the District for consideration for enrollment for the fall semester in the subsequent school year by August 1st; an out-of-district student enrolled before the fall semester shall be considered to be enrolled for the entirety of the school year. Applications for enrollment of out-of-district students must be submitted to the District for consideration for enrollment for the spring semester in the subsequent school year by November 1st.]

The Superintendent or designee shall review all applications for out-of-district enrollment when it is not mandatory and shall recommend approval or denial of each application to the Board as provided in this policy. As part of the review, the District shall request and review the student records of out-of-district students applying for enrollment prior to making the recommendation to the Board.

The Board shall approve an application for out-of-district attendance unless the trustees find that the impact of approval of the application will negatively impact the quality of education for resident students by grade level, by school, or in the District in the aggregate in one or more of the following ways:

1. The approval would result in exceeding the limits of:
 - a. Building construction standards pursuant to Title 50, Chapter 60, MCA;
 - b. Capacity and ingress and egress elements, either by individual room or by school building of any fire code authorized by Title 50, Chapter 3, MCA; or
 - c. Evacuation elements of the District's adopted school safety plan.
2. The approval would impede meeting goals, standards, or objectives of quality that the trustees have previously adopted in a plan for continuous educational improvement required under the rules adopted by the Board of Public Education.
3. The approval would risk jeopardizing the educational quality within the District because the out-of-district student applying was:
 - a. Truant as defined in MCA § 20-5-106 in the last school district attended;
 - b. Expelled by another school district at any time; or
 - c. Suspended in another school district in any of the three (3) school fiscal years preceding the school fiscal year for which attendance is requested. This subsection (c) does not apply to a student eligible for special education or related services.

Within 10 days of receipt of an out-of-district enrollment application, the District shall notify the parent or guardian and the trustees of the student's district of residence of the anticipated date for approval or denial of the application. The Board will consider the recommendation for denial of an out-of-district application in a closed session of the Board unless the parent or guardian waives their respective rights of privacy.

In the event that the District receives more applications for out-of-district students than it can accommodate, the District shall prioritize applications on the basis of the quality of education for students who are residents of the District and obligations of resident taxpayers. The District shall prioritize applications for the enrollment of out-of-district students in the following order provided the criteria established in this policy has been satisfied:

1. Students who attended school within the District the preceding year. In giving priority to students who have attended school within the District, the District will consider the number of years of attendance. Out-of-district students who are currently attending school within the District shall submit an application by June 1 prior to the start of the school year in which attendance is sought in order to retain their priority status. If an application for an out-of-district student currently attending school within the District is not submitted by June 1, the application will be considered on the same basis as all other applications and subject to the semester deadline stated in this policy.
2. Students who are the children or step-children of nonresident District employees.
3. Students who have siblings attending school within the District.
4. Students who have previously attended school within the District.
5. Students whose parents or guardians own property within the District.
6. Students whose legal residence is adjacent to the boundaries of the District.
7. Students entering kindergarten or grades 6, 7, or 8 and whose district of residence does not provide an equivalent program.
8. When all of the above priorities are equal or not satisfied, the District shall give priority to applications on the basis of time of receipt by the District.

Within 10 days of the decision to approve or deny the enrollment of an out-of-district student and to enter into an out-of-district attendance agreement, the District shall provide copies of the approved or denied attendance agreement to the student's parent or guardian and the student's district of residence. In the event of a denial, the District shall provide the reason permitted by Montana and this policy and supporting documentation.

The District shall notify the district of residence for all out-of-district students enrolled under this policy regarding their tuition obligations under Montana law by July 15 following the year of attendance.

Unless otherwise agreed by the District and the district of residence in the out-of-district attendance agreement, the family of the out-of-district student whose application has been approved is responsible for transportation of the student and the student is not an eligible transportee under Montana law.

Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Out-of-district attendance by parent or guardian request with no extenuating circumstances
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation
	§ 20-5-322, MCA	Residency determination – notification – appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and transportation rates
	§ 20-5-324, MCA	Tuition payment provisions -- state obligations -- district obligations -- financing -- reporting
	§ 20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	10.10.301B, ARM	Out-of-District Attendance Agreements
	10.55.712, ARM	Class Size Elementary
	10.55.713, ARM	Teacher load and class size: high school, junior high, middle school, and grades 7 and 8 funded at high school rates

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 5/21/24



OUT-OF-DISTRICT ATTENDANCE AGREEMENT (FP-14.1)

School Year 20__ - 20__

SECTION I: TO BE COMPLETED BY PARENT/GUARDIAN

I request that the following student be allowed to attend a school district outside the student's district of residence:

Student Name (last, first, middle initial)	Birthdate
Parent/Guardian Address (physical)	
Student Address (group home only)	
Parent/Guardian Signature (or Group Home Manager, in Place of Parent/Guardian) This agreement will be returned to the parent/guardian if accepted by the district of choice. The agreement will specify the costs, if any, such as transportation and other fees for which the parent/guardian may be charged. If the student attends under this agreement, the parent/guardian agrees to pay the applicable costs under the terms of this agreement. Printed Name of Parent/Guardian _____ Signature of Parent/Guardian _____ Date: _____ Contact Phone Number _____	

SECTION II: TO BE COMPLETED BY DISTRICT OF ATTENDANCE

Student State ID	Student Grade
District of Attendance	District of Residence
Individual Making Request ☐ Parent/Guardian ☐ District	
Enrollment Start Date	Annual Pupil Instruction Days

SECTION III: TRANSPORTATION – TO BE COMPLETED BY DISTRICT OF ATTENDANCE

Transportation may be determined per, 20-5-320(2)(b), MCA:

- Transportation is provided by the parent/guardian;
- Transportation can be provided by agreement of the district of residence and the district of attendance; or
- Transportation is discretionarily provided by the district of attendance.

Select one of the following:

Transportation Provided by Parent/Guardian ☐ No transportation will be provided by the district of residence or the district of attendance. Parent/guardian will provide.
Transportation is Discretionarily Provided by the District of Attendance ☐ Bus Service at No Cost ☐ Bus Service, charging parent/guardian \$_____ per _____ (attach payment schedule) ☐ Mileage reimbursement to the parent/guardian under a TR-4 Individual Transportation Contract (more than 3 miles school/bus stop)
Transportation Provided by Agreement of the District of Residence and the District of Choice ☐ Bus Service at No Cost ☐ Bus Service, charging ☐ parent/guardian or ☐ District of Residence \$_____ per _____ (attach payment schedule) ☐ Mileage reimbursement to the parent/guardian under a TR-4 Individual Transportation Contract (3 miles from school/bus stop)



SECTION IV: AGREEMENTS AND SIGNATURES

A. DISTRICT OF ATTENDANCE

The Board of Trustees:

_____ APPROVES this Out-of-District Attendance Agreement

_____ DISAPPROVES this Out-of-District Attendance Agreement (Provide explanation in Notes)

Board Chair _____

Signature _____ Date: _____

B. DISTRICT OF RESIDENCE

The Board of Trustees:

_____ ACKNOWLEDGES receipt of this Out-of-District Attendance Agreement*

_____ APPROVES this Out-of-District Attendance Agreement

Board Chair _____

Signature _____ Date _____

District of Residence Determination 1-1-215, MCA (check one):

☐	The residence of the minor's parents.
☐	If one of the parents is deceased or the parents do not share the same residence, the residence of the parent having legal custody.
☐	If neither parent has legal custody, the residence of the legal guardian or custodian appointed by a court of competent jurisdiction (not a foster parent).
☐	The district of residence for a child following the termination of parental rights and before a permanent placement is accomplished is the physical location of the district court that ordered termination.
☐	The district of residence of a child whose custodial parent is incarcerated is the school district where the custodial parent resided prior to incarceration.
☐	If there are questions concerning legal residency, consult with the agency responsible for the child's placement in the district.
☐	In the case of controversy, the district court has jurisdiction over residence.

* Tuition rates determined in accordance with 20-5-323, MCA.

Notes:

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3150

STUDENTS

Part-Time Attendance

Students requesting part-time enrollment will be reviewed on a case-by-case basis. The final decision lies with the administration.

The criteria for acceptance of part-time students include:

1. Acceptance of a student shall not create an excess student enrollment in the requested class;
2. Acceptance of a student shall not create need for an additional staff member;
3. Acceptance of a student shall not cause the creation of a new section of the requested class;
4. Regular full-time students shall have first priority on any available space;

When a number of part-time students have requested admission into the same class, they will be accepted on a first-come basis as long as feasible within the criteria. In the event the class enrollment position of a part-time student is needed for a regular full-time student during the course of the year, the full-time student will have priority for the position beginning with the next semester after the need is identified. Students with disabilities residing in the District who are attending private or home schools will be accepted in accordance with state and federal statutes and regulations.

Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB) – 3-year averaging

Kaptien

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3200

STUDENTS

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)

Clinton Elementary

Adopted on: 10/09/12

Reviewed on:

Revised on:

3210 - R

STUDENTS

Equal Education, Nondiscrimination and Sex Equity

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

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

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. Any individual may file a complaint alleging violation of this policy by following the **Title IX and Section 504 Grievance Procedures for claims relating to sex or disability or the Uniform Complaint Procedure (Policy 1700) for all other claims.**

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal References:	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
	42 USC § 12111 et seq. Americans with Disabilities Act
	29 USC § 791 et seq. Rehabilitation Act of 1973
	28 CFR 35.107 Nondiscrimination on the Basis of Disability
	in State and Local Government Services
	34 CFR 104.7 Nondiscrimination on the Basis of Handicap
	in Programs or Activities Receiving Federal
	Financial Assistance

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3221

STUDENTS

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.

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3222

STUDENTS

Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the District's policy to limit the distribution of materials to parent and student organizations sponsored by the District or other governmental agencies. Materials which provide information valued or needed by the District may also be distributed.

All organizations must have the approval of the Superintendent before materials may be distributed. The Superintendent will use the guidelines listed above in the approval of the distribution of the materials.

In order to facilitate the distribution of materials with information about student activities offered in the community, each school will do the following:

- A. Maintain a centrally located bulletin board for the posting of bulletins.
- B. Maintain a table where flyers and other information can be made available to students.
- C. Include announcements for student related activities in newsletters that go home to students. The announcements must be submitted one (1) week prior to the newsletter in which the announcement is to go home, must advertise a youth-oriented activity, and must be of non-religious or political nature.

It is the intent to post all notices and place flyers on the distribution table except those that are viewed by the principal as likely to be disruptive, libelous or obscene.

Policy History:

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3224

STUDENTS

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.

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3225 - R

STUDENTS

Page 1 of 2

Sexual Harassment/Intimidation of Students

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

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

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

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

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to suspension and expulsion consistent

with the District's discipline policy. Any person who knowingly makes a false accusation regarding sexual harassment likewise will be subject to disciplinary action up to and including discharge with regard to employees or suspension and expulsion with regard to students.

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
34 CFR Part 106 Nondiscrimination on the basis of sex in
education programs or activities receiving
Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Clinton Elementary

Adopted on:
Reviewed on:
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 _____

Clinton Elementary

Adopted on: 05/14/09

Reviewed on: 04/10/09

3226 - R

STUDENTS

Revised on:

Page 1 of 2

Bullying/Harassment/Intimidation/Hazing

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

Definitions

- a) “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.
- b) “District” includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.
- c) “Hazing” includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
- d) “Harassment, intimidation, or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:
 - a. Physically harming a student or damaging a student’s property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property.
 - c. Creating a hostile educational environment.

- e) “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

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

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

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Cross Reference: 3225F Harassment Reporting Form for Students

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(d), ARM School Climate

Clinton Elementary

Adopted on: 05/14/09

Reviewed on: 04/10/09

Revised on:

3231

STUDENTS

Page 1 of 2

Searches and Seizure

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

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

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

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

School Property and Equipment and Personal Effects of Students

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

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

Students

School officials may search any individual student, his/her property, or District property under his/her control, when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the District or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, cellular phones, or other electronic communication devices.

Students may not use, transport, carry, or possess illegal drugs or any weapons on school property.

Seizure of Property

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

Legal Reference: *Safford Unified School Dist. No. 1 v. Redding*, _____ U.S. _____, 129 S.Ct. 2633 (2009)
 Terry v. Ohio, 392 U.S. 1, 20 (1968)
 B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3231P

STUDENTS

Searches and Seizure

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

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on 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.

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3235

STUDENTS

Video Surveillance

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

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

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

Video recordings will be totally without sound.

Cross Reference: 3600 Student Records

Clinton Elementary

Adopted on: 11/13/07

Reviewed on:

Revised on: 09/10/13

3300 - R

STUDENTS

Page 1 of 3

Suspension and Expulsion - Corrective Actions and Punishment

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

Suspension

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for an initial period not exceed ten (10) school days. An administrator may order suspension of a student.

The procedure set forth below will be followed when a proposed punishment of a student is to include denial of the right of school attendance from any single class or from a full schedule of classes for at least one (1) day.

Before any suspension is ordered, a building administrator will meet with a student to explain charges of misconduct, and the student will be given an opportunity to respond to the charges.

When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of disruption to the educational process, a pre-suspension conference will not be required, and an administrator may suspend a student immediately. In such cases, a building administrator will provide notice of and schedule a conference as soon as practicable following the suspension.

A building administrator will report any suspension immediately to a student’s parent or legal guardian. An administrator will provide a written report of suspension that states reasons for a suspension, including any school rule that was violated, and a notice to a parent or guardian of the right to a review of a suspension. An administrator will send a copy of the report and notice to the Superintendent.

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate.

Upon a finding by a school administrator that the immediate return to school by a student would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student is granted an informal hearing with the school administrator prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act.

Students who are suspended from any class or from school entirely have the right to make up any work missed according to the student handbook.

Expulsion

- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

The Board, and only the Board, may expel a student from school and may do so only after following due process procedures set forth below.

The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school days before the date of the scheduled hearing. The notice will include time and place of hearing, information describing the process to be used to conduct the hearing, and notice that the Board intends to conduct the hearing in closed session unless a parent or legal guardian waives the student's right to privacy.

Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good cause to the Superintendent at least two (2) school days before a hearing date as originally scheduled. The Superintendent will determine if a request shows good cause to reschedule a hearing.

At hearing the student may be represented by counsel, present witnesses and other evidence, and cross-examine witnesses. The Board is not bound by formal rules of evidence in conducting the hearing.

Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When the Board of Trustees takes disciplinary action against a student, the Board must keep a written record of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. A disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record must be maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.

Procedures for Suspension and Expulsion of Students With Disabilities

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

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

An administrator may remove from current placement any special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. The District will place

such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	34 CFR 300.519-521	Procedural Safeguards
	§ 20-1-213, 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	

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3310 - R

STUDENTS

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Student Discipline

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, including e-cigarettes **or other similar products.**
- Using, possessing, distributing, purchasing, or selling alcoholic beverages **or powdered alcohol.** Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, controlled substances, medical marijuana, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons other than Firearms” section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

- On 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.

Clinton School District

STUDENTS

3310P

Academic Honesty and Responsible Use of Resources

The Board of Trustees believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not engage in acts of academic dishonesty.

Academic dishonesty is defined as a breach of standards of academic integrity may include but is not limited to plagiarism, collusion, falsifying academic records, and any other act designed to give unfair academic advantage to the student. Such a breach of standards may also include any attempt to deceive or mislead a teacher in arriving at an honest evaluation of learning. This includes aiding other students in acts of academic dishonesty and using programmable calculators, artificial intelligence or other technology in a manner not specified or authorized by the teacher. The act of knowingly and intentionally presenting materials, work, or concepts taken from sources of another person, publication, or program as one's own work product without appropriate documentation, teacher authorization, or citation is also considered to be academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. It is the intent of the Board and the District that academic dishonesty be dealt with consistently and effectively in a manner aimed at addressing the specific incident, as well as changing the student's future behavior.

Engaging in any type of academic dishonesty will result in consequences consistent with District Policy 3300, 3310, and the Student Handbook.

This policy does not prohibit use of technology, artificial intelligence, sources, or techniques authorized by the classroom teacher as part of training or educational coursework in responsible and appropriate manner consistent the curriculum or lesson plan. Violation of classroom teacher directive or exceeding the scope of the classroom teacher's permission to utilize technology, sources, or techniques may be considered a violation of the policy. Teachers are encouraged to incorporate responsible use of technology into coursework consistent with the District's acceptable use protocols at Policy 3540 and explain appropriate use for specific assignments in a consistent manner.

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 5/21/24

STUDENTS

Student Risk Assessments

The District may establish a risk assessment team for students whose behavior may pose a risk to the safety of school staff or students.

Each team shall:

1. Provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a risk to the community, school, or self;
2. Include persons with expertise in counseling, instruction, school administration, and law enforcement.
3. Identify members of the school community who should be informed of behavior;
4. Implement school board policies for the assessment of and intervention with students whose behavior poses a risk to the safety of school staff or students including response plans; and
5. Utilize available forms and procedures.

All District employees, volunteers, and contractors are required to report any expressed risks or behavior that may represent a risk to the community, school, or self. In cases determined to be appropriate, teams shall follow established procedures for referrals to community services, boards, or health care providers for evaluation or treatment when appropriate.

Upon a preliminary determination that a student poses a risk of violence or physical harm to self or others, a risk assessment team shall immediately report its determination to the superintendent or designee. The superintendent or designee shall immediately attempt to notify the student's parent or legal guardian to secure consent prior to completion of an assessment. Nothing in this policy shall prevent a District employee from acting immediately to address an imminent risk.

The superintendent may establish a committee charged with oversight of the risk assessment teams. An existing committee may be designated to assume the oversight responsibility; however, any such team shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

Regardless of risk assessment activities, disciplinary action and referral to law enforcement are to occur as required by school board policy and Montana law. The District may, in accordance with the provisions in Policy 3600P, release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Cross Reference:	<u>Policy 2158</u>	<u>Parental and Family Engagement</u>
	<u>Policy 3305</u>	<u>Seclusion and Restraint</u>
	<u>Policy 3431</u>	<u>Emergency Treatment</u>
	<u>Policy 3410</u>	<u>Student Health</u>

Legal Reference:	<u>37.111.825 ARM</u>	<u>Health Supervision and Maintenance</u>
	<u>§ 40-6-701, MCA</u>	<u>Parental Rights</u>
	<u>§ 20-3-324(20), MCA</u>	<u>Powers and duties</u>
	<u>20 U.S.C. 1232h(b)</u>	<u>General Provisions Concerning Education</u>

Policy History:

Adopted on: 5/21/24

Revised on:

Reviewed on:

Clinton Elementary

Adopted on:
Reviewed on:

3311 - R

STUDENTS

Revised on: 09/10/13

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.

CHOOSE ONE OF THE FOLLOWING OPTIONS:

OPTION #1 – 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.

OPTION #2 – 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, the Board may itself either modify the requirement for expulsion or delegate to the County Superintendent the authority to carry out the Board’s decision regarding any modification of the expulsion requirement. *Note: This Option is specifically for those smaller districts that have no employed administrator.*

OPTION #3 -- However, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. *Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.*

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

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 designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

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

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

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

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

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

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

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

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

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

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

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

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3312

STUDENTS

Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. ~~Students may be required to attend Saturday detention for up to four (4) hours.~~ **All grades will serve detentions during their noon 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. ~~Parents must be notified prior to a student serving an after-school detention.~~

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

Clinton Elementary

Adopted on: 05/14/02

Reviewed on:

Revised on:

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

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

Clinton Elementary

Adopted on:
Reviewed on:

3413

STUDENTS

Revised on: 10/11/05

Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus. Pertussis immunization is not required for students who are seven (7) years or older. Haemophilus influenza type “b” immunization is required for students under age five (5).

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

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

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

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

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

Clinton Elementary

Adopted on:
Reviewed on:

3415 - R

STUDENTS

Revised on: 09/10/13

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; U.S. Department of Health and Human Services page at: www.hhs.gov; and; the Centers for Disease and Prevention page at www.cdc.gov/concussion/sports.index.html.

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

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

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

Legal Reference: Dylan Steigers Protection of Youth Athletes Act
20-7-1301, MCA Purpose
20-7-1302, MCA Definitions
20-7-1303, MCA Youth athletes – concussion education requirements
20-7-1304, MCA Youth athletes – removal from participation following concussion – medical clearance required before return to participation

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

Clinton Elementary

Adopted on: 09/10/13

Reviewed on:

Revised on:

3415P - R

STUDENTS

Management of Sports Related Concussions

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

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

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

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

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

E. *Return to Play After Concussion or Head Injury:* In accordance with MHSA Return to Play Rules and Regulations and The Dylan Steigers Protection of Youth Athletes Act a student athlete who has been removed from play, practice, tryouts, training exercises, preparation for an athletic game, or sport camp may not return until the athlete is cleared by a licensed health care professional (registered, licensed, certified, or otherwise statutorily 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	
•Appears dazed or stunned •Is confused about events •Answers questions slowly •Repeats questions •Can’t recall events prior to the hit, bump, or fall •Can’t recall events after the hit, bump, or fall •Loses consciousness (even briefly) •Shows behavior or personality changes •Forgets class schedule or assignments	<u>Thinking/Remembering:</u> •Difficulty thinking clearly •Difficulty concentrating or remembering •Feeling more slowed down •Feeling sluggish, hazy, foggy, or groggy <u>Physical:</u> •Headache or “pressure” in head •Nausea or vomiting •Balance problems or dizziness •Fatigue or feeling tired •Blurry or double vision •Sensitivity to light or noise •Numbness or tingling •Does not “feel right”	<u>Emotional:</u> •Irritable •Sad •More emotional than usual •Nervous <u>Sleep*:</u> •Drowsy •Sleeps less than usual •Sleeps more than usual •Has trouble falling asleep <i>*Only ask about sleep symptoms if the injury occurred on a prior day.</i>

LINKS TO OTHER RESOURCES

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

Administration of Medication

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

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

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

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

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

Administering Medication

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

Emergency Administration of Medication

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

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

The Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.

A building administrator or school nurse will enter any medication to be administered in an emergency on an individual student medication record and will file it in a student's cumulative health folder.

A district can choose to maintain stock supplies of epinephrine, opioid antagonists, and/or albuterol. It can choose all allowed stock supplies, or one or more at its discretion.]

The District may maintain a stock supply of autoinjectable epinephrine **or epinephrine nasal spray** prescribed to it by a physician, advanced practice registered nurse, or physician assistant and filled by a licensed pharmacy. In the event a school within the District chooses to maintain a stock supply of epinephrine autoinjectors **or epinephrine nasal spray**, it shall inform all parents or guardians about the potential use of the epinephrine autoinjector in an anaphylactic emergency. A school nurse or other authorized personnel will administer autoinjectable epinephrine **or epinephrine nasal spray** to any student or nonstudent as needed for actual or perceived anaphylaxis. In the event that the District chooses to maintain a stock supply of autoinjectable epinephrine **or epinephrine nasal spray**, it shall develop the protocol and provide the training required by Montana law.

The District may maintain a stock supply of an opioid antagonist prescribed to it by a physician, advanced practice registered nurse, or physician assistant and filled by a licensed pharmacy. In the event a school within the District chooses to maintain a stock supply of an opioid antagonist, it shall inform all parents or guardians about the potential use of the opioid antagonist in an opioid overdose emergency. A school nurse or other authorized personnel will administer an opioid antagonist to any student or nonstudent as needed for an actual or perceived opioid overdose. In the event that the District chooses to maintain a stock supply of an opioid antagonist, it shall develop the protocol and provide the training required by Montana law.

The District may maintain a stock supply of albuterol, including single-use disposable holding chambers, to be administered by a school nurse or other employee designated by the administration who has undergone required training to be administered to a student or nonstudent as needed for respiratory distress. The District shall obtain a prescription for the stock supply albuterol from a physician, advanced practice registered nurse, or physician assistant and have it filled by a licensed pharmacy. In the event that the District maintains a stock supply of albuterol, it shall develop the protocol and provide the training required by Montana.

A building administrator or school nurse will enter any medication to be administered in an emergency on an individual student medication record and will file it in a student's cumulative health folder.

Self-Administration of Medication

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

A physician or dentist provides a written order for self-administration of said medication;

Written authorization for self-administration of medication from a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and

A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

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

Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;

Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;

Opening the lid of a container for a student;

Guiding the hand of a student to self-administer a medication;

Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and

Assisting with the removal of a medication from a container for a student with a physical disability that prevents independence in the act.

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

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

A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.

The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider must specify the name and purpose of

the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.

Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.

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

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

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

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

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

Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (2) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA. All documentation shall be kept on file.

Handling and Storage of Medications

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

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

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

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

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

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

Must store controlled substances in a separate compartment, secured and locked at all times. All non-emergency medication shall be kept in a locked, nonportable container, stored in its original container with the original prescription label. Epinephrine, naloxone, and student emergency medication may be kept in portable containers and transported by the school nurse or other authorized school personnel.

Must not allow food to be stored in a refrigeration unit with medications.

Shall notify the building administrator, school district nurse, and parent or guardian of any medication error and document it on the medication administration record.

The District will permit only a forty-five (45) school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

The District may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in 20-5-420, Section 2, MCA.

Disposal of Medication

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

Medical sharps shall be disposed of in an approved sharps container. Building administrators should contact the school nurse or designated employee when such a container is needed. Sharps containers are to be kept in a secure location in the school building. Disposal of sharps container, medical equipment, and personal protective equipment is the responsibility of the school nurse or

designated employee in accordance with the Montana Infectious Waste Management Act and the manufacture guidelines specific to the container or equipment.

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
	24.159.1604, ARM	Tasks Which May Be Routinely Assigned to an Unlicensed Person in Any Setting When a Nurse-Patient Relationship Exists
	§ 37-8-103(1)(c), MCA	Exemptions – limitations on authority conferred
	§ 75-10-1001, <i>et seq</i> , MCA	Infectious Waste Management Act
	37.111.812, ARM	Safety Requirements
	§ 20-5-421, MCA	Emergency Use of Epinephrine in School Setting
	§ 20-5-426, MCA	Emergency Use of Opioid Antagonist in School Setting
	<i>House Bill 600</i>	Emergency Use of Albuterol in a School Setting

Policy History:

Adopted on:

Reviewed on:

Revised on: 10/14/25

**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:
Revised on:

3417

STUDENTS

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

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3420

STUDENTS

Head Lice

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

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

In the interest of health and welfare of students enrolled in _____, no student will be permitted to attend classes with the general population if they are infested with head lice.

To avoid embarrassment and to contain the infestation, whole classrooms will be checked for head lice upon the report of possible infestation by a classroom teacher. The administrator, his/her designee, school nurse or another qualified professional will examine the child in question and their classmates. Siblings of students found with lice and their classmates will also be checked if there is suspicion that infestation may exist.

The student found with head lice is to be kept out of school until he/she is treated and hair is free of lice and eggs. Although eggs (nits) cannot spread to other children, they may hatch in 2-3 days and would immediately become communicable. A child may return to school after being successfully treated so that no live lice are present.

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

Clinton School District

STUDENTS

3431

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness, episode, 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 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 student exhibits behaviors or conduct of a nature that creates concern for the student's safety or the safety of others, a responsible school official will isolate the student from other children to a room or area segregated for that purpose. School officials may also utilize techniques and strategies available under Policy 3305 and Policy 3310P.

Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child;

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.

Cross Reference: Policy 2158 Parental and Family Engagement

1	<u>Policy 3305</u>	<u>Seclusion and Restraint</u>
2	<u>Policy 3310P</u>	<u>Risk Assessments</u>
3	<u>Policy 3410</u>	<u>Student Health</u>

4		
5	Legal Reference:	37.111.825 ARM
6		Health Supervision and Maintenance
7		§ 40-6-701, MCA
8		Parental Rights
9		§ 20-3-324(20), MCA
10		Powers and duties
11		20 U.S.C. 1232h(b)
12		General Provisions Concerning Education

13 Policy History:
 14 Adopted on: 2/10/15
 Reviewed on: 3/12/19
 Revised on: 6/11/24

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

District Name _____ School Name _____
Principal's Name _____ School Phone _____
Date of Accident: _____ Time: ☐ AM ☐ PM Supervising Employee _____

Claimant's Name _____			
<i>Last Name</i>		<i>First Name</i>	<i>Middle Initial</i>
Claimant's Address _____			
<i>City</i>		<i>State</i>	<i>ZIP Code</i>
Claimant's SS # _____		Home Phone Number (____) _____	
Claimant's Age _____	Date of Birth _____	Sex _____	Grade _____
Parent's Name (if student) _____		Work Phone Number (____) _____	

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

Describe accident and injury in detail (attach additional description as necessary): _____

Were efforts made to contact the parent/guardian about the accident? ☐ Yes ☐ No

Was first aid administered? ☐ Yes ☐ No By whom?

Was the student ☐ Sent home ☐ Sent to physician ☐ Sent to hospital

Is student covered by Student Accident Insurance? ☐ Yes ☐ No If "yes," please list Company Name, address, and phone number

If medical or hospital treatment was required, please complete the following information. (Attach a copy of medical bills, if available.)

Name and address of doctor or hospital

Witnesses (Name, Address, and Phone)

Signature/Name of Person Completing the Report Date

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3440

STUDENTS

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:
Revised on:

3440P

STUDENTS

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

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3510

STUDENTS

School-Sponsored Student Activities

1. Student Organizations:

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

2. Social Events

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

3. Extracurricular Activities

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

Cross Reference: Policy 3233 Student use of Buildings-Equal Access

Legal Reference: § 20-5-203, MCA Secret Organization Prohibited

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3520 - R

STUDENTS

Student Fees, Fines, and Charges

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

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

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

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. A building administrator will notify a student and parent regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted. The District may withhold a student's grades or diploma until restitution is made. **The District may not refuse to transfer files 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

Clinton Elementary

Adopted on:
Reviewed on:

3600

STUDENTS

Revised on: 09/10/13

Student Records

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

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

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

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

Legal Reference:	Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
	§ 20-1-212, MCA Destruction of records by school officer.
	§ 20-5-201, MCA Duties and sanctions
	§ 40-4-225, MCA Access to records by parent
	10.55.909, ARM Student Records
	No Child Left Behind Act of 2001, P.L. 107-334

1 **Clinton School District**

2
3 **STUDENTS**

3600P

4
5 Student Records

6
7 Maintenance of School Student Records

8
9 The District maintains two (2) sets of school records for each student – a permanent record and a
10 cumulative record.

11
12 The permanent record will include:

- 13
14 Basic identifying information including name
15 Academic work completed (transcripts)
16 Level of achievement (grades, standardized achievement tests)
17 Immunization records (per § 20-5-406, MCA)
18 Attendance record
19 Statewide student identifier assigned by the Office of Public Instruction
20 Record of any disciplinary action taken against the student, which is educationally related

21
22 Each student's permanent file, as defined by the board of public education, must be permanently kept in a
23 secure location.

24
25 The cumulative record may include:

- 26
27 Intelligence and aptitude scores
28 Health and psychological reports
29 Participation in extracurricular activities
30 Honors and awards
31 Teacher anecdotal records
32 Verified reports or information from non-educational persons
33 Verified information of clear relevance to the student's education
34 Information pertaining to release of this record
35 Disciplinary information
36 Camera footage only for those students directly involved in the incident

37
38 Information in the permanent record will indicate authorship and date and will be maintained in
39 perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained
40 for eight (8) years after the student graduates or permanently leaves the District. Cumulative records
41 which may be of continued assistance to a student with disabilities, who graduates or permanently
42 withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the
43 student has succeeded to the rights of the parents.

44
45 The building principal will be responsible for maintenance, retention, or destruction of a student's
46 permanent or cumulative records, in accordance with District procedure established by the
47 Superintendent.

48
49 Access to Student Records

50
51 The District will grant access to student records as follows:

1
2 1. The District or any District employee will not release, disclose, or grant access to information
3 found in any student record except under the conditions set forth in this document.
4

5 2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy
6 information in the child's school records. Such requests will be made in writing and directed to
7 the records custodian. Access to the records will be granted within fifteen (15) days of the
8 District's receipt of such request. Parents are not entitled to records of other students. If a record
9 contains information about two students, information related to the student of the non-requesting
10 parent will be redacted from the record.
11

12 In situations involving a record containing video footage, a parent of a student whose record
13 contains the footage is allowed to view the footage contained in the record but is not permitted to
14 receive a copy unless the parents of the other involved students provide consent. The footage is
15 not a record of students in the background of the image or not otherwise involved in the
16 underlying matter.
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 2. 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 also
45 include a volunteer or contractor not employed by the District but who performs an educational
46 service or function for which the District would otherwise use its own employees and who is
47 under the direct control of the District with respect to the use and maintenance of personally
48 identifying information from education records, or such other third parties under contract with the
49 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 order to fulfill his or her professional responsibilities for the District. Access by school officials
2 to student education information will be restricted to that portion of a student's records necessary
3 for the school official to perform or accomplish their official or professional duties.
4

- 5 4. The District may grant access to or release information from student records without parental
6 consent or notification to any person, for the purpose of research, statistical reporting, or
7 planning, provided that no student or parent can be identified from the information released, and
8 the person to whom the information is released signs an affidavit agreeing to comply with all
9 applicable statutes and rules pertaining to school student records.
10
- 11 5. The District may grant release of a child's education records to child welfare agencies without the
12 prior written consent of the parents.
13
- 14 6. The District will grant access to or release information from a student's records pursuant to a
15 court order.
16
- 17 7. The District will grant access to or release information from any student record, as specifically
18 required by federal or state statute.
19
- 20 8. The District will grant access to or release information from student records to any person
21 possessing a written, dated consent, signed by the parent or eligible student, with particularity as
22 to whom the records may be released, the information or record to be released, and reason for the
23 release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be
24 mailed to the parent or eligible student by the Superintendent. Whenever the District requests
25 consent to release certain records, the records custodian will inform the parent or eligible student
26 of the right to limit such consent to specific portions of information in the records.
27
- 28 9. The District may release student records to the superintendent or an official with similar
29 responsibilities in a school in which the student has enrolled or intends to enroll, upon written
30 request from such official. School officials may also include those listed in #3 above.
31
- 32 10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will
33 provide prompt written notice to the parents or eligible student of this intended action. This
34 notification will include a statement concerning the nature and substance of the records to be
35 released and the right to inspect, copy, and challenge the contents.
36
- 37 11. The District may release student records or information in connection with an emergency, without
38 parental consent, if the knowledge of such information is necessary to protect the health or safety
39 of the student or other persons. The records custodian will make this decision, taking into
40 consideration the nature of the emergency, the seriousness of the threat to the health and safety of
41 the student or other persons, the need for such records to meet the emergency, and whether the
42 persons to whom such records are released are in a position to deal with the emergency. The
43 District will notify the parents or eligible student, as soon as possible, of the information released,
44 date of the release, the person, agency, or organization to whom the release was made, and the
45 purpose of the release.
46
- 47 12. The District may disclose, without parental consent, student records or information to the youth
48 court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act
49 or criminal laws by the student.
50
- 51 13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney

General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).

14. The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship.

15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:

- a. Information released or made accessible.
- b. Name and signature of the records custodian.
- c. Name and position of the person obtaining the release or access.
- d. Date of release or grant of access.
- e. Copy of any consent to such release.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

Student's name
Address
Telephone listing
Electronic mail address
Photograph (including electronic version)
Video and audio recording (including electronic version)
Date and place of birth
Major field of study
Dates of attendance
Grade level
Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Degrees
Honors and awards received
Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student's directory photograph be removed from the repository.

Military Recruiters/Institutions of Higher Education/Government Agencies

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

1
2 The Montana Superintendent of Public Instruction may release student information to the Montana
3 Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes
4 after entering into agreement with Commissioner and Department. If the Superintendent of Public
5 Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally
6 identifiable information may be released to colleges, state-contracted testing agencies, and scholarship
7 organizations with student consent.
8

9 The notification to parents and students concerning school records will inform them of their right to
10 object to the release of this information.
11

12 Student Record Challenges

13

14 The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge
15 content of the student's education records on the grounds that the information contained in the education
16 records is inaccurate, misleading, or in violation of the privacy rights of the student.
17

18 The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- 19 • The District shall hold the hearing within a reasonable time after it has received the request for
20 the hearing from the parent or eligible student.
- 21 • The District shall give the parent or eligible student notice of the date, time, and place, reasonably
22 in advance of the hearing.
- 23 • The hearing may be conducted by any individual including an official of the District who does
24 not have direct interest in the outcome of the hearing.
- 25 • The District shall make its decision in writing within a reasonable amount of time after the
26 hearing.
- 27 • The decision must be based solely on the evidence presented at the hearing, and must include a
28 summary of the evidence and the reasons for the decision.
29

30 The parent or eligible student has:

- 31
- 32 • The right to present evidence and to call witnesses;
- 33 • The right to cross-examine witnesses;
- 34 • The right to counsel;
- 35 • The right to a written statement of any decision and the reasons therefor;
36

37 The parents may insert a written statement of reasonable length describing their position on disputed
38 information. The school will maintain the statement with the contested part of the record for as long as
39 the record is maintained and will disclose the statement whenever it discloses the portion of the record to
40 which the statement relates.
41

42 Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R.
43	99 (2011), 34 C.F.R. 99.20-22
44	§ 20-5-201, MCA Duties and sanctions
45	§ 40-4-225, MCA Access to records by parent
46	§ 41-3-201, MCA Reports
47	§ 41-5-215, MCA Youth court and department records – notification of
48	school
49	§ 20-7-104 Transparency and public availability of public school
50	performance data -- reporting-- availability for timely

1		use to improve instruction.
2	§ 20-7-1317	Electronic Photo Repository
3	Title 40, Chapter 6, Part 7 Rights of Parents	
4	10.55.909, ARM	Student records
5	10.55.910, ARM	Student Discipline Records
6		
7		
8		

9 Policy History:

10 Adopted on:
 9/10/13

11 Reviewed on:
 2/10/15

12 Revised on:
13 6/11/24

1 **Clinton School District**

2
3 **STUDENTS**

3600F1
page 1 of 4

4
5 Student Records

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

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

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

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

21
22 The cumulative record may include:

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

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

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

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

copying, but no one will be denied their right to copies of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

2. **The right to request amendment of the student's education records which the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. **The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA or state law authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside parties to whom an educational agency or institution has outsourced institutional services or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive

written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**
5. **The right to prohibit the release of directory information concerning the parent's/guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

Student's name
Address
Telephone listing
Electronic mail address
Photograph (including electronic version)
Video and audio recording (including electronic version)
Date and place of birth
Major field of study
Dates of attendance
Grade level
Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Degrees
Honors and awards received
Most recent educational agency or institution attended

Any parent(s)/guardian(s) or eligible student may prohibit the release of all the above information by delivering written objection to the building principal within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the

decision.

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A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name [identifier, institutional email address in a class in which the student is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

6. **The right to request that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

7. **The right to file a complaint with the U.S. Department of Education, concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 6/11/24

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.

Please review School District Policy 3600P for complete information.

-Student's name -Address -Telephone listing -Electronic mail address -Photographs, Audio, Video -Date and place of birth -Major field of study -Dates of attendance -Grade level	-Enrollment status (e.g., undergraduate or graduate; full-time or part-time) -Participation in officially recognized activities and sports -Weight and height of members of athletic teams -Degrees -Honors and awards received -Most recent educational agency or institution attended

If you do NOT want directory information provided to any of the following while allow release to other entities, please check the appropriate box. If a form is returned without any box selected, no information will be provided to any entity.

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

NOTE: If information such as a student's name, grade level, or photograph, and other listed information is to be withheld, the student will not be included in the school's yearbook, program events, and similar School District publications or other statewide programs related to student safety, research, and scholarship. Please review School District Policy 3600P for complete information.

Parent/Eligible Student's Signature

Date

Parent/Eligible Student's Signature

Date

Clinton Elementary

Adopted on: 11/13/01

Reviewed on:

Revised on: 05/14/052

3606 - R

STUDENTS

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: 11/13/01

Reviewed on:

Revised on: 05/14/052

3606F

STUDENTS

RECORDS CERTIFICATION

I, (School Secretary Sheila Beierle), the duly appointed custodian of records for the Clinton School District No. 32, Missoula County, State of Montana, pursuant to § 20- 1-213, MCA, do hereby certify that the attached is a true and correct copy of the student records of _____ maintained in my possession and under my control.

(name of student)

DATED this _____ day of _____, 20__.

Custodian of Records

School District No. _____

(S E A L)

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3608 - R

STUDENTS

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:
Revised on:

3611

STUDENTS

Page 1 of 2

Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

- A. One or more criminal acts; or
- B. Acts which threaten the safety or well-being of property or persons, including but not limited to harassment and intimidation.

Students on school property or at any school-sponsored activity shall not:

- 1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;
- 2. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
- 3. Engage in any act furthering the interest of any gang or gang activity, including but not limited to:
 - a. Soliciting membership in or affiliation with any gang;
 - b. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;

d. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Legal Reference:	§ 45-8-405, MCA	Pattern of criminal street gang activity
	§ 45-8-406, MCA	Supplying of firearms to criminal street gang

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3612 - R

STUDENTS

Page 1 of 4

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.

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

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

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

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

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

Students are prohibited from using e-mail; this includes District e-mail accessed through a web browser. E-mail access may be given to students on a case-by-case basis (e.g., foreign exchange students keeping in contact with home.) Students are prohibited from joining chat rooms, unless it is a teacher-sponsored activity.

Internet Safety

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The school will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate for minors. The Superintendent or designee shall enforce the use of such filtering devices.

The term “harmful to minors” is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Filtering should only be viewed as one of a number of techniques used to manage student’s access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors.

Filtering should be used in conjunction with:

- Educating students to be “Net-smart;”
- Using recognized Internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
- Using “Acceptable Use Agreements;”
- Using behavior management practices for which Internet access privileges can be earned or lost; 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.

Internet Access Conduct Agreements

Each students and his/her parent(s)/legal guardian(s) will be required to sign and return to the school at the beginning of each school year the Internet Access Conduct Agreement prior to having access to the District's computer system and/or Internet Service.

Warranties/Indemnification

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

Violations

If any user violates this policy, the student's access will be denied, if not already provided, or withdrawn and he/she may be subject to additional disciplinary action. The system administrator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time with his/her/their decision being.

Clinton Elementary

Promulgated on: 02/14/12

Reviewed on: 01/10/12

3612P - R

STUDENTS

Revised on:

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;

- h. Using another user's account or password;
 - i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
- a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.
9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
 - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
 - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
 - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
 - d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.

- e. Student work may only be published if there is written permission from both the parent/guardian and the student.

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

Legal Reference: Children’s Internet Protection Act, P.L. 106-554
Broadband Data Services Improvement Act/Protecting Children in
the 21st Century Act of 2008 (P.L. 110-385)
20 U.S.C. § 6801, et seq. Language instruction for limited English
proficient and immigrant students
47 U.S.C. § 254(h) and (l) Universal service

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

3612F

STUDENTS

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.

1 **Clinton School District**

2

3 **STUDENTS**

3630

4

5 **Cell Phones and Other Electronic Equipment**

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

12

13 Students may use cellular phones, pagers, and other electronic signaling devices on campus
14 before school begins and after school ends. Students in grades 6-8 may also check such devices
15 prior to the lunch period and study hall. These devices must be kept out of sight and turned off
16 during the instructional day. Unauthorized use of such devices disrupts the instructional program
17 and distracts from the learning environment. Therefore, unauthorized use is grounds for
18 confiscation of the device by school officials, including classroom teachers. Confiscated devices
19 will be returned to the parent or guardian. Repeated unauthorized use of such devices will result in
20 disciplinary action.

21

22 Policy History:

23 Adopted on: 11/05/24

24 Reviewed on:

25 Revised on:

2
3 **STUDENTS**

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Page 1 of 2

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

individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18 years of age or older in the event of an unauthorized disclosure of the pupil's records;

Failure to Comply and Legal Review

An operator's or third party's failure to honor the law, agreement or School District policy will result in termination of services. The School District will report any operator who fails to honor the law to the appropriate authorities for criminal prosecution.

All contracts and agreements executed under this agreement will be reviewed by the School District's legal counsel.

Cross Reference: 3600 Student Records
 3650F Model Agreement

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R.
 99
 Montana Pupil Online Personal Information Protection Act, Title 20,
 chapter 7, part 13, MCA

Policy History:
Adopted on: 3/27/2020
Reviewed on:
Revised on:

Student Protection

To promote the safety and protection of students, the District shall conduct a fingerprint-based national criminal history background check before any individual, regardless of employment status, is permitted to have unsupervised contact with a student while in school, at a school-sponsored activity, or in transit to a school-sponsored activity.

All teachers, prior to unsupervised contact with a student, shall submit to a fingerprint-based national criminal history background check pursuant to the educator policies of the Board of Public Education. All other individuals shall submit to the Montana Department of Justice information and material sufficient to obtain a fingerprint-based criminal history background check prior to unsupervised contact with a student. Individuals supervising others who will have unsupervised contact with a student are subject to these requirements.

If an individual has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who will decide whether the individual will be declared eligible for unsupervised contact with students or, if required for the position, for employment.

Individuals who will never have unsupervised contact with a student while at school, at a school-sponsored activity, or in transit to a school-sponsored activity are not required by this policy to undergo a fingerprint-based national criminal history background check unless determined necessary by the Superintendent. The Superintendent has the authority to determine whether a fingerprint-based national criminal history background check is required.

Cross Reference:	5122	Fingerprints and Criminal Background Investigations
Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 44-5-301, MCA	Dissemination of public criminal justice
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§ 44-5-303, MCA	Dissemination of confidential criminal justice information
	ARM 10.57.201A	Criminal History Background Check
	ARM 10.57.716	Substitute Teachers
	Public Law 105-251	Volunteers for Children Act

Policy History:

Adopted on: 09/09/25

Reviewed on:

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

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

2
3 **COMMUNITY RELATIONS**

4125

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

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

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

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

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

4315
page 1 of 2

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

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 School – Facility Use Rules - 4330P

1. No food or drinks allowed in the gym – water only. (No classrooms or hallways)
2. Chaperones/Adults are responsible for letting kids/guests in and out of the facilities.
3. Your reservation time should include set up and cleanup of your event. If you go over your reserved time, you will be charged an additional hour.
4. If you use tables or chairs for your event, tables must be wiped down and returned to the kitchen or the closet. Chairs must be wiped down (if necessary) and returned to the hallway.
5. Use of any school supplies and/or equipment must be approved prior to your event.
6. Individual classroom use must be approved by the teacher and the custodian.
7. Classrooms must be left exactly as they are found – clean and organized. You will be charged \$25 an hour if rooms need to be re-cleaned.
8. Children may not be in the hallways without an adult.
9. No running or yelling in the halls.
10. Children may not be in the locker rooms or classrooms without permission from the custodian.
11. Children are not allowed in the teachers' lounge or the main office.
12. If arranging for rides for guests, please plan at least 15 minutes prior to leaving the school, or you may have to wait outside.
13. Bathrooms – please use appropriately any issues will be charged to the renter

Your After-Hours contact is:

CLINTON ELEMENTARY SCHOOL



School District #32
20397 E. Mullan Road
P.O. Box 250
Clinton, MT 59825-250
(406) 825-3113 • (406) 825-3114 Fax

Clinton School – Facility Use Application

Name of Organization & its sponsors (chaperones): _____

Phone # of Sponsors: _____

Email Address: _____

Date(s) & hours of Use: _____

Purpose of Use: _____

Facilities/equipment Requested: _____ (Approved/Denied)

(Dishes, P.A. System, Projector, Balls, Piano, etc.)

Premises and Conditions

Conditions of Facilities Use – Use of District Facilities is conditioned upon the following covenants:

1. For public rentals there is a \$50.00/hour rental fee with a two hour minimum rental.
 - There is a \$100 cleaning deposit
2. 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.
3. That no illegal games of chance or lotteries will be permitted (*unless approved by Superintendent*)
4. 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.
5. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities.
6. The presence of weapons, including firearms, must be previously reviewed and approved by the Board of Trustees in accordance with Montana law.

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(s)/organization named above agree 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 absolved the district from liability as a result of the use of these facilities or any district equipment. The individual/organization will be responsible for any/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/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 copy. The application must be returned to the school at least one week prior to the event.

Approved/Denied by the Custodian

Approved/Denied by the Administration

Policy 4330F Clinton Schools Gymnasium Community Use Agreement

Clinton School District believes in the promotion of a healthy lifestyle for our students and community. To support that belief, the School District allows non-students access to the gymnasium. Access to the gymnasium can only take place outside of school hours, when a school activity is not taking place

This agreement must be strictly adhered to by the patron or access will be immediately suspended and the access fee will be forfeited. The following conditions and District Policies 4301, 4315, 4332, and 4330P must be adhered to at all times by the patron:

1. No tobacco, alcohol, marijuana, or other illegal substance is allowed in the gymnasium.
2. Proper attire, including closed-toed shoes should be worn at all times.
3. No one under the age of 18 is allowed in the gymnasium without adult supervision.
4. Access to the gymnasium is for an individual. Access cannot be used by anyone other than the signers of this agreement. Use or access by unauthorized persons will result in permanent loss of facility use.
5. All equipment must be returned to its proper place after use.
6. Any problems with equipment needs to be reported immediately to the school office.

As a condition to use the facility, you are required to complete the enclosed form. It is the policy of the School District to require an acknowledgement of risk and emergency medical treatment release as a condition of participating in this activity. If you would like to use the facility, please carefully read and sign this document.

I agree to and will follow the Gymnasium Community Use Agreement.

Use of the facility requires physical activity and exertion. There is an inherent risk of injury in this type of activity. By signing this agreement, I acknowledge that the school district will maintain the facility. I, the undersigned, further acknowledge and understand that, regardless of all feasible safety measures that may be taken by the district, physical activity and exertion entails certain inherent risks. I certify that I am physically fit and medically able to use the facility. I further certify that I understand that the school district does not provide supervision for my use of the facility and that there may not be a supervisor present during my use of the facility.

I agree to accept responsibility for my use of the facility. I acknowledge there are no assurances these measures taken by the School District to prevent injuries or prevent the spread of illnesses at this event

at this facility. These inherent risks that attendees specifically acknowledge include, but are not limited to, injury; illness; hospitalization, chronic health issues, quarantines of an unknown duration to be determined by governing authorities and death. By voluntarily entering this event or facility, I am specifically acknowledging awareness and knowledge of these inherent risks. All School District Policies are in effect when accessing this facility. Any negligence arising out of my access to this facility shall be attributed to you as comparative negligence within the meaning of Section 27-1-702, MCA.

I, the undersigned, authorize qualified emergency medical professionals to examine and, in the event of injury or illness, administer emergency care to me if required under the circumstances based on, and in accordance with, their medical training. I understand every effort will be made to contact family or contact person noted below to explain the nature of the problem prior to any treatment. I understand emergencies may require immediate treatment in the opinion of medical professionals. In the event it becomes necessary for the district staff in charge to obtain emergency care for me, 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.

Printed Name: _____

Address: _____

Phone Number: _____

Emergency contact information (if different than the above-listed phone number): _____

Participant Signature: _____

Date: _____

District Designee Signature: _____

Clinton Elementary

Adopted on:

Reviewed on:

4331

COMMUNITY RELATION

Revised on: 02/10/15

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

Clinton Elementary

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

4340

COMMUNITY RELATION

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

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**

4410

4
5 Relations with Law Enforcement and Child Protective Agencies

6
7 The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff 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

Clinton Elementary School District

COMMUNITY RELATIONS

4411

Investigations and Arrests by Police

The Missoula County Law Enforcement will provide a School Resource Officers (SROs) for the Clinton Elementary School District to maintain a safe and secure environment conducive to learning. Whenever possible all interactions between students and law enforcement at the school with SROs assigned shall be coordinated through the SROs as specified within the duties of the SRO.

When a student becomes involved with law enforcement officers due to events outside of the school environment and officers other than a SRO must interact with a student, the officer(s) is requested to confer with the student when he/she is not under the jurisdiction of the school. If this cannot be arranged; the SRO is the first person of contact for law enforcement. The SRO will follow the procedures specified by the district in complying with a request from an outside law enforcement agency. If for any reason the SRO is not available to respond to a request, the following steps shall be taken to cooperate with the authorities.

- a. The officer shall contact the Superintendent and present proper identification in all occasions upon his/her arrival on school premises.
- b. Parents or guardians shall be notified by the law enforcement officer or Superintendent as soon as possible. The law enforcement officer or Superintendent shall make every effort to inform parents or guardians of the intent of the law enforcement officers except when that notification may compromise the student's safety.
- c. The student's parent or guardian should be present, if practicable, during any interrogation on school premises.

In all situations of interrogations, arrest or service of subpoenas of a student by law enforcement officers on school premises, all practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of the student.

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 8/3/17

Clinton School District

COMMUNITY RELATIONS

4520
page 1 of 1

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

Page 1 of 2

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.

Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender has a child attending Clinton School, the administration is authorized to modify this policy's restrictions to permit the parent to drop off and pick up the child from school and to come onto campus for specific infrequent circumstances with written permission from the administration. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences. However, the parent/guardian may not linger on or about school property at any time, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the administrator of any school or any other employee of the District to review the Sex Offender Registry and the school system's directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if the administration actually becomes aware that a parent/guardian of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender's child.

The Superintendent or other designated administrator shall notice parents of students in the school, by sending a letter via email to each parent notifying them that a sex offender is residing in the area. This will be done once in August/September and again in January/February. The website for a list of sex offenders can be found at <https://app.doj.mt.gov/apps/svow/>, (a link is also located on the schools website) recently relocated offenders may also be found published in the local paper every Monday. When new sex offenders move into the community, parents will be notified by message from the schools automated call system. If you have any questions, please contact the administration at the school. In addition, the Superintendent or other designated administrator shall prepare and send via certified mail a letter to the sex offender notifying such person that they are to refrain from coming onto school property unless prior written approval is received from the school administration. At all times, the administrator shall endeavor to protect the privacy of the offender's child.

Legal Reference:	§ 46-23-501, MCA	Sexual or Violent Offender Registration Act
	www.doj.mt.gov/svor/	Sexual or Violent Offender Registry

Clinton Elementary

Adopted on: 11/11/08
Reviewed on: 02/10/15

4550P

COMMUNITY RELATION

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.

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

5000 SERIES PERSONNEL

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Clinton Elementary

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

5000

PERSONNEL

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
Revised on:

5002 - R

PERSONNEL

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), <i>et seq.</i>	Immigration Reform and Control Act
29 U.S.C. §§ 791, <i>et seq.</i>	Rehabilitation Act of 1973
20 U.S.C. §§ 1681, <i>et seq.</i>	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, <i>et seq.</i> , MCA	Human Rights Act
House Bill 702	Prohibits Discrimination Based on Vaccine Status
§ 50-16-502, MCA	Legislative findings (<i>Cited by House Bill 702</i>)
<i>Bostock v. Clayton County</i> , 140 S. Ct. 1731 (2020)	

Policy History:

Adopted on: 8/16/22

Revised on: 12/12/23

2
3 **PERSONNEL**

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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

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

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

Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an

investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of

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the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

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

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination
Policy 5012P – Sexual Harassment Procedures

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

Policy History:

- 1 Adopted on:10/09/12
- 2 Reviewed on: 02/10/15
- 3 Revised on: 11/10/20

2
3 **PERSONNEL**

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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

discrimination process bullying and harassment policy, or public complaint procedure for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District's property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District.

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

3
4 5012P

5 Page 3 of 9
6

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

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

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1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties’;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party’s ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party’s choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make creditability determinations based on the individual’s status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District’s education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

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:

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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.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party

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page 6 of 9

or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant; and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is

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

5012P

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6
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 17 Appeals

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 46 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

5
6 5012P
7 page 9 of 9
8

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:

Sexual Harassment Reporting/Intake Form for Employees

This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the Title IX Coordinator to document allegations.

School _____ Date _____

Employee's name _____

• Who was responsible for the harassment or incident(s)? _____

• Describe the incident(s). _____

• Date(s), time(s), and place(s) the incident(s) occurred. _____

• Were other individuals involved in the incident(s)? ☐ yes ☐ no

If so, name the individual(s) and explain their roles. _____

• Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. _____

• Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? _____

• Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. _____

Signature of complainant _____

Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will remain confidential in accordance with law and policy.

Clinton Elementary

Adopted on: 05/14/09
Reviewed on: 04/10/09, 02/10/15

5015

PERSONNEL

Revised on:

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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

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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PERSONNEL

Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The principal will initially screen applicants for educational support positions. The District will hire highly qualified personnel consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans' preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a criminal background investigation. The Superintendent will keep any conviction record confidential as required by law and District policy. The district will create a determination sheet from the criminal history record. The determination sheet will be kept on file at the District Office. The Criminal History Record with no disqualifiers may be shredded on site immediately after review. The Criminal History Record with disqualifiers will be retained on file at the District Office according to law. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

The District requires its' contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

The personnel office will register all certificates, noting class and endorsement of certificates, and will update permanent records as necessary. The personnel office also will retain a copy of each valid certificate of a contracted certified employee in that employee's personnel file.

41

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration
§ 39-29-102, MCA Point preference or alternative preference in initial hiring
for certain applicants – substantially equivalent selection
procedure

No Child Left Behind Act of 2001 (P.L. 107-110)

Adm in. R. Mont. 37.1 14.1010 Employee of School: Day Care Facility Care
Provider

1 **Clinton School District**

2
3 **PERSONNEL**

5121

4
5 Applicability of Personnel Policies

6
7 Except where expressly provided to the contrary, personnel policies apply uniformly to the
8 employed staff of the District. However, where there is a conflict between terms of a collective
9 bargaining agreement and District policy, the terms of the collective bargaining agreement shall
10 prevail for staff covered by that agreement.

11
12 Board policies will govern when a matter is not specifically provided for in an applicable
13 collective bargaining agreement.

14
15 Each personnel position in the District will be directed by a position description that delineates
16 the responsibilities of the employee. The employee will receive the position description with the
17 employment contract. Position descriptions are available upon request. The Board of Trustees
18 will regularly review the position descriptions.

19
20 Professional Development

21
22 If not otherwise addressed in the applicable collective bargaining agreements, the Board shall
23 establish an advisory committee to evaluate the District's current school year professional
24 development plan; and develop and recommend a plan for the subsequent school year. The
25 advisory committee shall include, but not be limited to, trustees, administrators, and teachers. A
26 majority of the committee shall be teachers. Each school year the Board shall adopt a
27 professional development plan for the subsequent school year based on the recommendation of
28 the advisory committee that meets the requirements of ARM 10.55.714.

29
30 Mentorship and Induction

31
32 The Board of Trustees authorizes the District Administrator to collaborate with educational staff of the District to
33 implement a mentorship and induction program within each school in the District consistent with the terms of the
34 District's integrated strategic action plan and 10.55.723 ARM.

35
36
37 Legal Reference: § 39-31-102, MCA Chapter not limit on legislative authority
38 ARM 10.55.701(d) Board of Trustees
39 ARM 10.55.714 Professional Development
40 10.55.723 ARM Integrated Strategic Action Plan

41
42
43 Policy History:

44 Adopted on: 2/10/15

45 Reviewed on:

46 Revised on: 5/21/24

Clinton Elementary

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

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PERSONNEL

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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.*

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**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

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Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Superintendent or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a

public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender's position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal References:	Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
	Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
	Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
	Fair Labor Standards Act, 29 U.S.C. §215(a)(3)
	Occupational Safety and Health Act, 29 U.S.C. §6660(c)
	Family and Medical Leave Act, 29 U.S.C. §2615
	National Labor Relations Act, 29 U.S.C. §158(a)

Clinton Elementary

Adopted on: 08/11/09
Reviewed on: 06/09/09, 02/10/15

5130

PERSONNEL

Revised on:

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.

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

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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.

4.
5.
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

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:	<i>Bonner School District No. 14 v. Bonner Education Association, MEA-MFT, NEA, AFT, AFL-CIO</i> , (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

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PERSONNEL

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
Revised on:

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PERSONNEL

Work Day

Length of Work Day - Certified Staff

The current collective bargaining agreement sets forth all conditions pertaining to the certified work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the principal or as stipulated in the agreement.

Length of Work Day - Classified Staff

The length of a work day for classified staff is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by an individual contract. Supervisors will establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

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

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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

1 **Clinton School District**

2
3 **PERSONNEL**

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4
5
6 Personal Conduct

7
8 School District employees will abide by all district policies, state and federal laws in the course
9 of their employment. Where applicable, employees will abide by and honor the professional
10 educator code of conduct.

11
12 All employees are expected to maintain high standards of honesty, integrity, professionalism,
13 decorum, and impartiality in the conduct of District business. All employees shall maintain
14 appropriate employee-student relationship boundaries in all respects, including but not limited to
15 personal, speech, print, and digital communications. Failure to honor the appropriate employee
16 student relationship boundary will result in a report to the Department of Public Health and
17 Human Services and the appropriate law enforcement agency.

18
19 In accordance with state law, an employee shall not dispense or utilize any information gained
20 from employment with the District, accept gifts or benefits, or participate in business enterprises
21 or employment that creates a conflict of interest with the faithful and impartial discharge of the
22 employee's District duties. An employee shall not perform an official act directly and
23 substantially affecting its economic benefit to a business or other undertaking in which the
24 employee either has a substantial financial interest or is engaged as counsel, consultant,
25 representative, or agent. An employee shall not perform an official act directly and substantially
26 impacting another business or other undertaking which is of economic detriment when the
27 employee has a substantial personal interest in a competing firm or undertaking.

28
29 A District employee, before acting in a manner which might impinge on any fiduciary duty, ~~may~~
30 shall disclose the nature of the private interest which would create a conflict to avoid disruption
31 to District operations. Care should be taken to avoid using or avoid the appearance of using
32 official positions and confidential information for personal advantage or gain. An employee shall
33 not act as an agent or solicitor in the sale or supply of goods or services to a district. An
34 employee shall not use District time, facilities, equipment, supplies, personnel, or funds for the
35 officer's or employee's private business, political, or commercial purposes. Curriculum or
36 materials created within the course of the employee's duties for the District using District
37 resources are considered to be the property of the District.

38
39 An employee shall not assist any person for a fee or other compensation in obtaining a contract,
40 claim, license, or other economic benefit from the District. An employee shall not solicit or
41 accept employment or engage in negotiations or meetings to consider employment, with a person
42 whom the officer or employee regulates in the course of official duties without first giving
43 written notification to the District.

44
45 Further, employees are expected to hold confidential all information deemed not to be for public
46 consumption as determined by state law and Board policy. Employees also will respect the

1 confidentiality of people served in the course of an employee's duties and use information gained
2 in a responsible manner. The Board may discipline, up to and including discharge, any
3 employee who discloses confidential and/or private information learned during the course of the
4 employee's duties or learned as a result of the employee's participation in a closed (executive)
5 session of the Board. Discretion should be used even within the school system's own network of
6 communication and confidential information should only be communicated on a need to know
7 basis. Employees shall not record or cause to be recorded a conversation by use of a hidden
8 electronic or mechanical device which may include any combination of audio or video that
9 reproduces a human conversation without the knowledge of all parties to the conversation.

10
11 Administrators and supervisors may set forth specific rules and regulations governing staff
12 conduct on the job within a particular building.

13 14 Firearms and Weapons

15
16 Employees of the District shall not injure or threaten to injure another person; damage another's
17 property or that of the District; or possess any firearm or other non-firearm weapon on school
18 property at any time.

19
20 For the purposes of this policy, the term "firearm" means (A) any weapon which will or is
21 designed to or may readily be converted to expel a projectile by the action of an explosive; (B)
22 the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any
23 destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm
24 pursuant to 18 U.S.C. 921 (16). For purposes of this policy, "non-firearm weapon" means any
25 object, device, or instrument designed as a weapon or through its use is capable of intimidating
26 threatening or producing bodily harm or which may be used to inflict injury, including but not
27 limited to air guns; pellet guns; BB guns; fake or facsimile weapons; all knives; blades; clubs;
28 metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants;
29 stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as
30 a weapon.

31
32 District administrators are authorized to appropriate action, as circumstances warrant, to enforce
33 this section of the policy including but not limited to requesting the assistance of law
34 enforcement in accordance with Montana law.

35
36 For the purposes of this policy, "school property" means within school buildings, in vehicles
37 used for school purposes, or on owned or leased school land or grounds. "Building" specifically
38 means a combination of any materials, whether mobile, portable, or fixed, to form a structure and
39 the related facilities for the use or occupancy by persons or property owned or leased by a local
40 school district that are used for instruction or for student activities as specified in Section 50-60-
41 101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the
42 words "or part or parts of a building" and is considered to include all stadiums, bleachers, and
43 other similar outdoor facilities, whether temporary or permanently fixed.

44
45 This section does not apply to a law enforcement officer acting in the officer's official capacity
46 or an individual previously authorized by the Board of Trustees to possess a firearm or weapon

1 in a school building.

2
3 The Board of Trustees shall annually review this policy and update this policy as determined
4 necessary by the trustees based on changing circumstances pertaining to school safety.

5
6 Cross Reference: Professional Educators of Montana Code of Ethics
7 5121 Applicability of Personnel Policies
8 3311 Firearms and Weapons
9 5232 Abused and Neglected Children
10 4332 Conduct on School Property

11
12 Legal Reference: § 20-1-201, MCA School officers not to act as agents
13 Title 2, Chapter 2, Part 1 Standards of Conduct
14 § 39-2-102, MCA What belongs to employer
15 § 45-8-361, MCA Possession or allowing possession of
16 a weapon in a school building
17 § 45-5-501, MCA Definitions
18 § 45-5-502, MCA Sexual Assault
19 ARM 10.55.701(2)(d) Board of Trustees
20 § 45-8-213, MCA Privacy in communications

21
22 Policy History:

23 Adopted on: 2/10/15

24 Reviewed on:

25 Revised on: 4/19/24

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

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Revised on:

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

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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

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

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PERSONNEL

Revised on:

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Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

- 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.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination of employment.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall

be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Legal Reference:	49 C.F.R. Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing
	49. C.F.R. Part 382	Controlled Substances and Alcohol Use and Testing

1 **Clinton School District**

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4
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

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Confidentiality

This policy in no way limits or adjusts the School District's obligations to honor staff privacy rights. All applicable district policies and handbook provision governing confidentiality of staff medical information remain in full effect.

Legal Reference:	37.114.101, et seq., ARM	Communicable Disease Control
	37.111.825, ARM	Health Supervision and Maintenance

Policy History:

Adopted on: 5/9/23

Reviewed on: 5/8/23

Revised on:

Clinton School District

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Personnel Records

The District maintains a complete confidential and permanent 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 a copy of their personnel record upon request.

Employees shall maintain an accurate mailing address with the District which will be held in the personnel file. Employees shall promptly notify the District of any change in mailing address.

The District may release public information regarding the professional qualifications, degrees, and experience of teachers and the qualifications of paraprofessionals to parents upon request. Access to other information is governed by Policy 4340.

Personnel records must be kept for 10 years after separation of employment.

Cross Reference: 4340 Public Access to District Records

Legal Reference:	10.55.701, ARM	Board of Trustees
	§ 20-1-212(2), MCA	Destruction of records by school officer.
	§ 2-6-1001, MCA	Definitions

Policy History:

Adopted on: 9/10/13

Reviewed on: 2/10/15

Revised on: 4/19/24

Clinton Elementary

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

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PERSONNEL

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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;

- 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>	Fair Labor Standards Act
	§§ 2-6-101, <i>et seq.</i> , MCA	Public Records Generally
	Admin. R. Mont. 24.9.805	Employment Records
	29 C.F.R. Part 516	Records to be kept by employers

Clinton Elementary

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

5232
09/10/13

PERSONNEL

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

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
Revised on:

5250

PERSONNEL

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:

Revised on:

5251

PERSONNEL

02/10/15

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
Revised on:

5253

PERSONNEL

Retirement Programs for Employees

All District employees shall participate in retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System in accordance with state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing 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

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

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,

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: 10/11/05

Reviewed on: 2/10/15

Revised on: 5/21/24

5321

PERSONNEL

Page 1 of 3

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.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination of employment.

An employee who has suffered a death in the immediate family will be eligible for up to five days paid bereavement leave. Bereavement leave over 5 days must be approved by the Board. Such leave will not exceed three (3) months unless prescribed by a physician.

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. Upon recommendation of the Superintendent, and in accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.
2. Leave will be granted in hourly units.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances

(except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

Legal Reference:	42 U.S.C §2000e	Equal Employment Opportunities
	§ 2-18-601(15), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 2-18-619, MCA	Jury Duty – Service as Witness
	§ 39-2-104, MCA	Mandatory Leave of Absence for employees
		Holding public office
	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy- related leave of absence

Clinton Elementary

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

5321P

PERSONNEL

Page 1 of 2

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 (1st) 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

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 (¼) 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

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
Revised on:

5329

PERSONNEL

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

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**

2
3 **PERSONNEL**

5330

4
5 Maternity and Paternity Leave

6
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**

2
3 **PERSONNEL**

5331

4
5 Insurance Benefits for Employees

6
7 Newly hired employees are eligible for insurance benefits offered by the District for the
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

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

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

Page 1 of 2

Vacations

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

RATE-EARNED SCHEDULE

<u>Years of Employment</u>	<u>Working Days Credit per Year</u>
1 day - 10 years	15
10 - 15 years	18
15 - 20 years	21
20 years on	24

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of 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.

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
Revised on:

5337

PERSONNEL

Workers' Compensation Benefits

All employees of the District are covered by workers' compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;
2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;
3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational Injury or Disease; and
4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The administrator will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers' compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee's physician to release pertinent medical information to the District or to a physician of the District's choice, should an actual claim be filed against the Workers' Compensation Division, which could result in additional fees being levied against the District.

Legal Reference: §§ 39-71-101, *et seq.*, MCA Workers' Compensation Act

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.

Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose all information sent over the District e-mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation, and to access District information in the employee's absence. Employee e-mail/Internet messages may not necessarily reflect the views of the District.

Except as provided herein, District employees are prohibited from accessing another employee's e-mail without the expressed consent of the employee. All District employees should be aware that e-mail messages can be retrieved, even if they have been deleted, and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the District.

E-mail sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All District e-mail and Internet communications may be monitored.

1 **Clinton School District**

2
3 **PERSONNEL**

5460

Page 1 of 2

4
5
6 Electronic Resources and Social Networking

7
8 The Clinton School District recognizes that an effective public education system develops
9 students who are globally aware, civically engaged, and capable of managing their lives and
10 careers. The District also believes that students need to be proficient users of information,
11 media, and technology to succeed in a digital world.

12
13 Public school employees are held to a high standard of behavior. The Montana Department of
14 Education *Professional Educators of Montana Code of Ethics* requires District staff to maintain a
15 professional relationship with each student, both in and outside the classroom. The District
16 encourages all staff to read and become familiar with the Code of Ethics.

17
18 The school district staff shall not socialize with students on social networking websites (during
19 school or out-of-school) in a manner contrary to this policy. Staff are reminded that the same
20 relationship, exchange, interaction, information, or behavior that would be unacceptable in a
21 non-technological medium, is unacceptable when done through the use of technology. In fact,
22 due to the vastly increased potential audience digital dissemination presents, extra caution must
23 be exercised by staff to ensure they don't cross the line of acceptability.

24
25 Specifically, the following forms of technology-based interactivity or connectivity are expressly
26 forbidden when used in a manner not related to the delivery of educational services or district
27 operations.

- 28
29
- 30 • Sharing personal landline or cell phone numbers with students for non-educational
 - 31 purposes;
 - 32 • Text messaging students for non-educational purposes;
 - 33 • Emailing students other than through and to school controlled and monitored accounts;
 - 34 • Soliciting students as friends or contacts on social networking sites for non-educational
 - 35 purposes;
 - 36 • Accepting the solicitation of students as friends or contacts on social networking sites for
 - 37 non-educational purposes;
 - 38 • Creation of District-approved and sanctioned groups or pages on social networking sites
 - 39 that permit the broadcast of information without granting students access to staff
 - 40 member's personal information;
 - 41 • Sharing with student's access information to personal websites or other media through
 - 42 which the staff member would share personal information and occurrences.
- 43

44 Accessing social networking websites for individual use during school hours is prohibited, unless
45 asked to do so by administration. Except in an emergency, staff shall not access social
46 networking sites using district equipment or personal equipment, including during breaks or

preparation periods. All school district employees who participate in social networking websites, shall not post any school district data, documents, photographs, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

The Board directs the Superintendent or his/her designee to create strong electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

Staff should contact the administration if they would like to establish an educational related social media presence.

Cross Reference:	5015	Bullying/Harassment/Intimidation
	5223	Personal Conduct
	5255	Disciplinary Action
		<i>Professional Educators of Montana Code of Ethics</i>

Policy History:

Adopted on: 9/10/24

Reviewed on:

Revised on:

Clinton Elementary

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

5500

PERSONNEL

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

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

5510 - R

PERSONNEL

Page 1 of 5

HIPAA

Note:

(1) Any school district offering a group “health care plan” for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a “health care provider” by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an “educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction.” This transaction occurs when a school nurse submits a claim electronically.

(2) Any personally identifiable health information contained in an “education record” under FERPA is subject to FERPA, not HIPAA.

Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for ***electronic health care transactions***. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee’s (or dependent’s) health information from the group health plan to make adverse

employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person's name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.
2. Individuals have the right to request an amendment to their health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.
3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.
4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.
6. Covered entities are required to issue a notice of privacy practices to their enrollees.
7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The District Clerk has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon

request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit

an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

District Clerk
Clinton Elementary School District
PO Box 250
Clinton, MT 59825

Legal Reference: 45 C.F.R. Parts 160, 162, 164

Request for Protected Health Information

This form should be used when release of a patient's protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, _____, hereby authorize _____
Name of Employee, Student 18 or older, or Parent/Guardian *Name of Physician/Practice*
to use and/or disclose my protected health information described below to
_____.
School District

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): _____

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

- ☐ Any and all records in the possession of the above-named physician or physician's practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)
- ☐ Records regarding treatment for the following condition or injury _____ on or about _____.
- ☐ Records covering the period of time _____ to _____.
- ☐ Other (Specify and include dates.) _____.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: _____.

I certify that I have received a copy of this authorization.

Signature of Patient or Personal Representative

Date

Name of Patient or Personal Representative

Personal Representative's Authority

Clinton Elementary

Adopted on:
Reviewed on:
Revised on:

5630

PERSONNEL

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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Clinton School District

ADMINISTRATION

6110

Superintendent

Duties and Authorities

The Superintendent is the District's executive officer and is responsible for the administration and management of the 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. Delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action which was delegated.

Qualifications and Appointment

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid administrative certificate and superintendent's endorsement issued by the State Certification Board.

When the office of the Superintendent becomes vacant, the Board will conduct a search to find the most capable person for the position. Qualified staff members who apply for the position will be considered for the vacancy.

Evaluation

The Board will evaluate, at least annually, the performance of the Superintendent, using standards and objectives developed by the Superintendent and Board, which are consistent with the District's mission and goal statements. A specific time shall be designated for a formal evaluation session. The evaluation should include a discussion of professional strengths, as well as performance areas needing improvement.

Compensation and Benefits

The Board and the Superintendent shall enter into a contract which conforms to this policy and state law. This contract shall govern the employment relationship between the Board and the Superintendent.

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

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 5/13/25

Clinton School District

ADMINISTRATION

6110P
page 1 of 2

Superintendent

The Board shall:

Select the Superintendent and delegate to him/her all necessary administrative powers

Adopt policies for the operations of the school system and review administrative procedures.

Formulate a statement of goals reflecting the philosophy of the District.

Adopt annual objectives for improvement of the District.

Approve courses of study.

Approve textbooks.

Approve the annual budget.

Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.

Authorize the allocation of certificated and classified staff.

Approve contracts for construction, remodeling, or major maintenance.

The Superintendent shall:

Serve as chief executive officer of the District.

Recommend policies or policy changes to the Board and develop procedures which implement Board policy.

Provide leadership in the development, operation, supervision and evaluation of the educational program.

Recommend annual objectives for improvement of the District.

Recommend courses of study.

Recommend textbooks.

Prepare and submit the annual budget.

Recommend candidates for employment as certificated and classified staff.

Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.

Recommend contracts for major construction, remodeling or maintenance.

of 2

The Board shall:

Approve payment of vouchers and payroll.

Approve proposed major changes of school plant and facilities.

Approve collective bargaining agreements.

Assure that appropriate criteria and processes for evaluating staff are in place.

Appoint citizens and staff to serve on special Board committees, if necessary.

Conduct regular meetings.

Serve as final arbitrator for staff, citizens and students.

Promptly refer all criticisms, complaints, and suggestions called to its attention to the Superintendent.

Authorize the ongoing professional enrichment of its administrative leader as feasible.

Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.

The Superintendent shall:

Recommend payment of vouchers and payroll.

Prepare reports regarding school plant and facilities needs.

Supervise negotiation of collective bargaining agreements.

Establish criteria and processes for evaluating staff.

Recommend formation of ad hoc citizens' committees.

As necessary attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees and provide administrative recommendations on each item of business considered by each of these groups.

Inform the Board of appeals and implement any such forthcoming Board decisions.

Respond and take action on all criticism, complaints, and suggestions as appropriate.

Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.

Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

Makes recommendations to the Board, individually or in consultation with appropriate personnel, regarding employment, promotion, nonrenewal, or cessation of employment.

Approves recommendations for employment or dismissal

Establishes and prepares meeting agendas, presents items for consideration, and responds to inquiries of the Board.

Approve action items and give input on informational items

Ensures compliance with appropriate state and federal constitutional and statutory rules and regulations.

Approves any action regarding rules and regulations.

Procedure History:

Promulgated on: 2/10/15

Revised on: 5/13/25

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

6121

ADMINISTRATION

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

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

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 School District

ADMINISTRATION

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Evaluation of Administrative Staff

Each administrator will be evaluated annually, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria. Administrators have a right to access to the evaluation instrument and a right to respond in writing to the completed evaluation.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within a reasonable time following the evaluation conference.

Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than Superintendent

Legal Reference: **10.55.724, ARM** **Evaluation**

Policy History:

Adopted on: 11/14/23

Reviewed on:

Revised on:

Clinton Elementary

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

6420

ADMINISTRATION

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 School District

FINANCIAL MANAGEMENT

7008

Tuition

Whenever an out-of-district student is enrolled in the District, an attendance agreement must be approved by the Board. The District shall notify the district of residence of each out-of-district student attendance agreement approved by the Board of their tuition obligations by July 15 following the year of attendance.

Tuition rates shall be determined by Montana law.

For any resident student of the District enrolled in another school district as an out-of-district student, the District shall finance such tuition from the tuition fund, general fund, or any other legally allowable fund in the discretion of the trustees.

Cross Reference:	Policy 3141	Out-of-District Student Enrollment
Legal Reference:	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Out-of-district attendance by parent or guardian request with no extenuating circumstances
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation
	§ 20-5-322, MCA	Residency determination – notification – appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and transportation rates
	§ 20-5-324, MCA	Tuition payment provisions -- state obligations -- district obligations -- financing -- reporting
	10.10.301, ARM	Calculating Tuition Rates
	10.10.301B, ARM	Out-of-District Attendance Agreements

Policy History:

Adopted on: 2/10/15

Reviewed on:

Revised on: 5/14/24

Clinton Elementary

Adopted on:
Reviewed on:

7110

FINANCIAL MANAGEMENT

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.

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

7121

FINANCIAL MANAGEMENT

Revised on:

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

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

4

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

7251

FINANCIAL MANAGEMENT

Revised on:

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

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

1 **Clinton School District**

2
3 **FINANCIAL MANAGEMENT**

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4
5 Purchasing

6
7 Authorization and Control

8
9 The Superintendent is authorized to direct expenditures and purchases within limits of the
10 detailed annual budget for the school year. The Board must approve purchase of capital outlay
11 items, when the aggregate total of a requisition exceeds \$ 80,000 except the Superintendent
12 shall have the authority to make capital outlay purchases without advance approval when
13 necessary to protect the interests of the District or the health and safety of staff or students. The
14 Superintendent will establish requisition and purchase order procedures to control and maintain
15 proper accounting of expenditure of funds. Staff who obligate the District without proper
16 authorization may be held personally responsible for payment of such obligations.
17

18 Bids and Contracts

19
20 Whenever it is in the interest of the District, the District will execute a contract for any building
21 furnishing, repairing, or other work for the benefit of the District. If the sum of the contract or
22 work exceeds Eighty Thousand Dollars (\$80,000), the District will call for formal bids by issuing
23 public notice as specified in statute. Specifications will be prepared and made available to all
24 vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible
25 bidder, except that the trustees may reject any or all bids as per § 18-4-307, MCA as stated below
26 in the legal reference. The Board, in making a determination as to which vendor is the lowest
27 responsible bidder, will take into consideration not only the amount of each bid, but will also
28 consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to
29 promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply
30 to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a
31 physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a
32 consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an
33 accountant licensed under Title 37, Chapter 50.
34

35 Advertisement for bid must be made once each week for two (2) consecutive weeks, and a
36 second (2nd) publication must be made not less than five (5) or more than twelve (12) days before
37 consideration of bids.
38

39 The Superintendent will establish bidding and contract-awarding procedures. Each bid and
40 procurement procedures completed by the District will comply with applicable
41 nondiscrimination laws. Each vendor or contractor awarded a contract under this policy or any
42 District procurement process shall comply with all applicable nondiscrimination laws. __Bid
43 procedures will be waived only as specified in statute. Any contract required to be let for bid
44 shall contain language to the following effect:
45

In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor's skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of 20-9-204(4), MCA if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Legal Reference:	§§ 18-1-101, et seq., MCA	Preferences and General Matters
	§§ 18-1-201, et seq., MCA	Bid Security
	§ 18-4-307, MCA	Cancellation of invitations for bids or requests for proposals
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids - exceptions
	§ 20-10-110, MCA	School Bus Purchases – contracts- bids
	<u>Title 30, Chapter 20</u>	<u>Financial Industry Nondiscrimination</u>
	<u>Title 49, Chapter 2, Part3</u>	<u>Prohibited Discriminatory Practices</u>

Policy History:

Adopted on:

Reviewed on:

Revised on:

Clinton Elementary

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

7325

FINANCIAL MANAGEMENT

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
Revised on:

7326

FINANCIAL MANAGEMENT

Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget appropriations applicable to payment, and required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with authority, responsibility, and control over budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office is responsible for developing procedures and forms to be used in the requisition, purchase, and payment of claims.

Clinton Elementary

Adopted on: 02/10/15

Reviewed on: 12/11/07

Revised on: 9/12/23

7329

FINANCIAL MANAGEMENT

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

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 (1st) duty day) (July 1)¹ of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first (1st) duty day of the fiscal year of the deferment.

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular payday for the pay period in which the employee left employment or within fifteen (15) days, 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
Revised on:

7335

FINANCIAL MANAGEMENT

Personal Reimbursements

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the District;
2. The purchase was made with the prior approval of an authorized administrator;
3. The item purchased was not available from District resources; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

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

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

7410

FINANCIAL MANAGEMENT

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

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

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

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

7500

FINANCIAL MANAGEMENT

Revised on:

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
Revised on:

7510

FINANCIAL MANAGEMENT

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

Clinton Elementary

Adopted on:
10/10/23

Reviewed on:

Revised on:

7515 - R

FINANCIAL MANAGEMENT

Page 1 of 3

Fund Balances

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

I. PURPOSE

The fund balance policy establishes a framework for the management of all excess funds managed by the Clinton School District. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

II. SCOPE

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the Clinton School District, Clinton, Montana. These funds are accounted for in the District's annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

III. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

IV. DEFINITIONS

A. *Fund balance*---means the arithmetic difference between the assets and liabilities reported in a school district fund.

B. *Committed fund balance*---amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint

C. *Assigned fund balance*-amounts a school district *intends* to use for a specific purpose; intent can be expressed by the District or by an official to which the Board of Trustees delegates the authority

D. *Nonspendable fund balance*-amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)

E. *Restricted fund balance*-amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation

F. *Unassigned fund balance*-amounts that are available for any purpose; these amounts are reported only in the general fund.

V. MINIMUM FUND BALANCE

The school district will strive to maintain a minimum unassigned general fund balance of [ten percent of the annual budget.] [2-3 months of operating expenses.]

[Note: School districts need to select one of the bracketed choices above and fill in the blank. The other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may not be necessary.]

VI. ORDER OF RESOURCE USE

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

[Note: The school board determines this order.]

VII. COMMITTING FUND BALANCE

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

VIII. ASSIGNING FUND BALANCE

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following:

.[Specify individual(s), such as the superintendent, business manager, etc., or an entity, such as the finance committee, authorized to make these assignments.]

Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

IV. STABILIZATION ARRANGEMENTS

[Note: If the school board has established any arrangement(s) for emergencies and other contingencies, the description(s) should be included in this section. The school board needs to specifically define the circumstances or conditions when these amounts may be used, which must be unanticipated adverse financial or economic circumstances. These circumstances or conditions cannot be situations that are expected to or which occur routinely. Stabilization arrangements should be reported as restricted or committed if they meet the criteria or, otherwise, should be reported as unassigned. They should not be reported as assigned. If the school board does not have any such arrangements, this section should be deleted.]

IX. REVIEW

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

Legal References: Statement No. 54 of the Governmental Accounting Standards Board

Clinton Elementary

Adopted on:
Reviewed on:

7520

FINANCIAL MANAGEMENT

Revised on: 02/10/15

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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Clinton School District

NONINSTRUCTIONAL OPERATIONS

Transportation

8100

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.

Children in Foster Care

The Superintendent will appoint a Point of Contact (POC) to coordinate activities relating to the District's provisions of services to children placed in foster care, including transportation services. The Superintendent, or designee, will inform the Department of Health and Human Services who is the POC for the District. The District will collaborate with the Department of Health and Human Services when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or District when in the best interest of the student. Under the supervision of the Superintendent/designee, the POC will invite appropriate District officials, the Department of Health and Human Services POC, and officials from other districts to consider how such transportation is to be arranged and funded in a cost-effective manner.

If there are additional costs to be incurred in providing transportation to maintain a student in the school of origin, the District will provide transportation to such school if:

- The Department agrees to reimburse the District for the cost of such transportation; The
- District agrees to pay for the cost of such transportation; or
- The District and the Department agree to share the cost of such transportation.

Definitions

"Foster Care" means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Department has placement care and responsibility.

"School of origin" means the school in which a child is enrolled at the time of placement in foster care.

While "Best Interest" is not defined in ESSA, that determination shall take into account all relevant factors, including consideration of the appropriateness of the current educational setting, and the proximity to the school in which the child is enrolled at the time of foster care placement.

Administrative Rules of Montana

10.64.201

10.64.701

10.7.101, et seq.

Description

Bus Driver Qualifications

Criteria for Establishing Transportation Areas

Pupil Transportation

Montana Code Annotated

20-10-101

20-10-121

20-10-122

20-10-123

Description

Definitions

Duty of trustees to provide transportation – types of transportation – bus riding time limitation

Discretionary provision of transportation and payment for this transportation

Provision of transportation for nonpublic school children

Cross References

3110

8102

8110

8111

8123

8125

Description

[Entrance, Placement, and Transfer](#)

[Contracting for Transportation Services](#)

[Bus Routes and Schedules](#)

[Transportation of Students With Disabilities](#)

[Driver Training and Responsibility](#)

[School Bus Emergencies](#)

Policy History:

Adopted on: 08/09/05

Reviewed on: 2/10/15

Revised on: 05/13/25

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

8102

NONINSTRUCTIONAL OPERATIONS

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 (1st) 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 11 Delay in Schedule

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 16 Responsibilities - Students

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 23 Responsibilities - Parents

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 34 Safety

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.

The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver. Each bus shall be equipped with extended stop arms as required by law.

Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. In the interest of safety and operational efficiency, the Superintendent is empowered to make decisions as to emergency operation of buses, cancellation of bus routes, and closing of school, in accordance with his or her best judgment. The Board may develop guidelines in cooperation with the Superintendent to assist the Superintendent in making such decisions.

Compliance

To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route. The county transportation committee has authority to establish transportation service areas, should circumstances and/or geography (demographics) warrant.

Legal Reference:	§ 20-10-106, MCA	Determination of mileage distances
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-132, MCA	Duties of county transportation committee
	§ 61-8-351, MCA	Meeting or passing school bus
	§ 61-9-402, MCA	Audible and visual signals
	Montana School Bus Standards	

Policy History:

Adopted on: 10/11/05

Reviewed on: 2/10/15

Revised on: 02/20/24

Clinton Elementary

Adopted on:
Reviewed on:

8111

NONINSTRUCTIONAL OPERATIONS

Revised on: 02/10/15

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
Revised on:

8124

NONINSTRUCTIONAL OPERATIONS

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.

15
16
17
18
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

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

8200 - R NONINSTRUCTIONAL OPERATIONS

Revised on:

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

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NONINSTRUCTIONAL OPERATIONS

Meal Charge Policy

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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.

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/school-meals/policy>
Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC)
Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code
(USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 201 and 220

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Procurement Policy for School Food Purchases and Use of Federal Funds

The School District will adhere to the following requirements for any procurement related to food service:

Below are samples only and other language can be used, adjusted, or utilized. Please feel free to make changes, additions or add any other necessary items to meet the needs of your district.

Purchase Procedures & Thresholds:

Definition/Instructions

Micro-Purchase: Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable. To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers. The school district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures.

School districts may use the Federal micro-purchase threshold of up to \$10,000 or may establish a higher threshold, up to \$50,000 if the district self-certifies (CFR 200.320 (a)(1)(iv)).

School District's Established Micro-Purchase threshold (choose one):

☐ The School District's Micro Purchase Threshold is: \$80,000

Definition/Instructions

Small Purchase: Informal purchase method for open competitive purchases. For purchases higher than the micro-purchase threshold (\$10,000 or SFA's higher amount if self-certified) but does not exceed the simplified acquisition threshold (\$80,000).

- If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity. Documentation of the procurement process (vendor name, contact method, name of person providing price quote, price quoted, date price quote obtained, duration of price quote).

☐ **Small Purchases greater than \$10,000 up to \$80,000.** \$80,000 is the small purchase threshold for the state of Montana per Section 20-9-204, MCA.

- o Small purchases will be handled in a fair and equitable manner consistent with district policy on purchasing.
- o The District will obtain two or more quotes from qualified sources.
- o The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

Definition/Instructions

Formal Purchase: If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be awarded through a formal bid process and a call for bids or request for proposals shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of avoiding the formal procurement process.

☐ **Formal Purchases greater than \$80,000:**

- o If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be awarded through a formal bid process and a call for bids or request for proposals shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of avoiding the formal procurement process.
- o The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

Bid Specifications:

The School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Geographic Preference:

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

Buy American:

The District will adhere to “Buy American” for the food service program 7 CFR 210.21(d). Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals

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 o The employee
 - 27 o Any member of his/her immediate family
 - 28 o People with whom there is an intimate personal relationship
 - 29 o 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

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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:

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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

Clinton School District

NONINSTRUCTIONAL OPERATIONS

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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

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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.

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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

or item is necessary, disinfection shall occur in accordance with stated guidance and substance instructions.

Physical Barriers and Guides

Personnel shall review school buildings and identify areas where installation of physical barriers, such as sneeze guards and partitions, shall assist or protect students and staff. Personnel shall coordinate with building or district administrators to complete or install any identified physical barrier.

Legal References: 37.111.841, ARM Cleaning and Maintenance
 10.55.701(s), ARM Board of Trustees

Policy History:

Adopted on: 5/9/23

Reviewed on: 5/8/23

Revised on:

Clinton Elementary

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

8320

NONINSTRUCTIONAL OPERATIONS

Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District's protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property

Clinton Elementary

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

8400

NONINSTRUCTIONAL OPERATIONS

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

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**

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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

established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

- (a) connecting to a compliant public wastewater system; or
- (b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular-4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

Legal References: 37.111.832, ARM Water Supply System
ARM Title 17, chapter 38, subchapter 1
17.38.207, ARM Maximum Microbiological Containment Levels
DEQ Circular FCS 1-2016.
DEQ Circular 4
10.55.701(s), ARM Board of Trustees
10.55.701(l), ARM Board of Trustees
10.55.701(q), ARM Board of Trustees

Policy History:

Adopted on: 6/14/22

Reviewed on:

Revised on:

Clinton Elementary

Adopted on:
Reviewed on: 02/10/15

8420

NONINSTRUCTIONAL OPERATIONS

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

Clinton Elementary

Adopted on: 02/10/15

Reviewed on:

Revised on:

8421

NONINSTRUCTIONAL OPERATIONS

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

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

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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
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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

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Records Management

The District will retain, in a manner consistent with applicable law and the state's *Rules for Disposition of Local Government Records*, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, "records" are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

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

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

Page 1 of 2

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.

Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that results from that care or treatment.

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used, unless the individual using the AED or the person providing CPR, as applicable, acts with gross negligence or with willful or wanton disregard for the care of the person upon whom the AED is or may be used.

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

- a. A person providing medical oversight of the AED program, as designated in the plan;
- b. The entity responsible for the AED program, as designated in the plan;
- c. An individual providing training to others on the use of an AED.

Legal Reference:	Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)
	§50-6-501, MCA Definitions
	§50-6-502, MCA AED program – requirements for AED use
	§50-6-503, MCA Rulemaking
	§50-6-505, MCA Liability limitations