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SIDNEY SCHOOL DISTRICT

1000 SERIES
THE BOARD OF TRUSTEES

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Sidney School District

THE BOARD OF TRUSTEES

Legal Status and Operation

The Board of Trustees of the Sidney School District is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations to the end that students shall have ample opportunity to achieve their individual and collective learning needs.

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

Legal Reference: § 20-3-323, MCA  District policy and record of acts
§ 20-3-324, MCA  Powers and Duties

Policy History
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

Inform myself about current educational issues by individual study and through participation in programs providing needed information;

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

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

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

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Organization

The legal name of this District is School District Nos. 1 and 5 Richland County, State of Montana. The District is classified as a second class District and is operated according to the laws and regulations pertaining to elementary and high school districts.

In order to achieve its primary goal of providing each child with the necessary skills and attitudes to become effective citizens, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from the Montana Constitution and state statutes and regulations. Sources such as the school laws of Montana, and the administrative rules of the Board of Public Education and the Office of Superintendent of Public Instruction delineate the legal powers, duties and responsibilities of the Board.

The Sidney School District maintains the Elementary School District No. 5 and the High School District No. 1.

The Districts constitute the taxable basis for purposes of construction, operation, and maintenance of High School.

Legal References:  
§ 20-6-101, MCA  Definitions of elementary and high school districts  
§ 20-6-201, MCA  Elementary district classification  
§ 20-6-301, MCA  High school district classification  
§ 20-3-324, MCA  Powers and duties

Policy History
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Membership

The District is governed by a Board of Trustees consisting of 6 members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management and government of the public schools. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District. Only those trustees elected from the elementary district may participate in business transactions pertaining to the elementary schools maintained by the District. Official action by Board members must occur at a duly called and legally conducted meeting. “Meeting” is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.

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

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Policy History:
Adopted on: 11/9/98
Revised on: 7/1/08, 7/1/09
Sidney School District

THE BOARD OF TRUSTEES

Taking Office

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability. A newly appointed trustee shall take office, after the trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability. Such oath will be filed with the county superintendent within fifteen (15) days after the receipt of the certificate of election or the appointment.

Legal References:

§ 20-1-202, MCA Oath of office
§ 20-3-307, MCA Qualification and oath

Policy History:
Adopted on: 11/9/98
Reviewed on:
Revised on: 7/1/08
Elections conducted by the District are nonpartisan and are governed by general election laws of the state of Montana. 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. Any qualified electors may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy shall be submitted to the District Clerk not less than forty (40) days before the regular school election day. If different terms are to be filled, the term for which each candidate is nominated also shall be indicated. Any person seeking to become a write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a declaration of intent no later than 5:00 p.m. on the twenty-sixth (26th) day before the election. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than twenty-five (25) 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.

Except in the event of an unforeseen emergency occurring on the date scheduled for the election, a proposition requesting additional funding pursuant to § 20-9-353, MCA, may be submitted to electors only once each calendar year, on the regular school election day.

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.
§ 20-20-105, MCA  Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA  Election Notice
§ 20-20-301, MCA  Qualifications of elector

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/02, 7/01/08, 7/01/09
Sidney School District

THE BOARD OF TRUSTEES

Resignation

Resignation of a trustee, for whatever reason, 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 resigner through written notification of withdrawal made to the Clerk.

The Board shall then accept the resignation by formal action and proceed to fill the vacancy as provided by statute and Board policy.

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 6/12/00
Vacancies

Elective office of a Board member becomes vacant before the term’s expiration when any of the following occurs:

1. death of the incumbent;
2. resignation, in writing, filed with the Clerk;
   the incumbent moves his/her residence from the District, or from the nominating district
   in the case of an additional trustee in a high school district;
4. the incumbent is no longer a registered elector of the District under the provisions of §
   20-20-301, MCA;
5. the incumbent is absent from the District for sixty (60) consecutive days;
6. the incumbent fails to attend three (3) consecutive meetings of the trustees without a good
   excuse;
7. the incumbent has been removed under the provisions of § 20-3-310, MCA; or
   the incumbent ceases to have the capacity to hold office under any other provision of the
   law.

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

In the case of a trustee vacancy, 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 such 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 his/her successor has qualified.

Cross Reference: 1240 Duties of Individual Trustees

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

THE BOARD OF TRUSTEES

Vacancies

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

1. Announcement of the vacancy and the procedure for filling it shall be made in the local newspaper as well as general District publications to patrons.

2. All citizens shall be invited to nominate qualified candidates for the position. A letter of application will be required of interested candidates.

3. The Board shall individually interview the finalists in a regular or special meeting and appoint the candidate, who, in the judgment of the Board, is most likely to contribute to the growth and development of the District's education programs and operations. All trustees shall vote on the candidate of their choice.

4. If no one candidate receives a majority of the votes, the Board may:
   a. discuss all candidates and vote again;
   b. discuss all candidates and vote only on those candidates with the most votes; or,
   c. continue voting until one candidate receives a majority vote.

5. The Board Clerk shall prepare for the signatures of all trustees a letter thanking all candidates for the position and commending them for their interest in the District.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Annual Organization Meeting

After the issuance of the election certificates to the newly elected trustees in May, and on or before the third (3rd) Saturday in May, the Board shall elect from among its members a Chairman, and a Vice-Chairman to serve one- (1)- year terms. If a Board Member is unable to continue to serve as an officer, a replacement shall be elected immediately. In the absence of both the Chair and the Vice-Chair, the Board shall elect a Chairman pro tempore, who shall perform the functions of the Chair 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 Chair.
2. Swearing in of newly elected trustees.
3. Call for nominations for Chairman to serve during the ensuing year.
4. Election of a Chair.
5. Assumption of office by the new Chair.
6. Call for nominations for Vice-Chairman to serve during the ensuing year.
7. Election of a Vice-Chair.
8. Appointment of a Clerk.

Policies and Bylaws shall continue from year to year until and unless the Board changes them.

Legal Reference: § 20-3-321, MCA Organization and officers
§ 20-3-322(a), MCA Meetings and quorum

Policy History:
Adopted on: 11/9/98
Revised on: 7/10/00
Sidney School District

THE BOARD OF TRUSTEES

Committees

Generally, the trustees will function as a committee of the whole and will not form subcommittees of the Board. Nevertheless, the Board may create Board committees as deemed necessary. Committees of the Board may be created and their purpose defined by a majority of the Board. The Board Chair shall appoint trustees to serve on committees at the regular July meeting. The Chair shall serve as ex-officio member of all committees.

The standing Board committees are as follows:

- Finance
- P.R. and Personnel
- Buildings and Grounds
- Curriculum and Policy
- Transportation.

- Labor Relations

Policy History:
Adopted on: 11/9/98
Revised on:
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 Board elects a Chairperson from its members for a one-(1)-year term. The duties of the Chairperson are:

- 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 the action of the Board; and
- Close Board meetings as prescribed by Montana law.

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

The Chairperson must be able to perform the functions of a trustee in all matters over which he/she presides.

NOTE: For those Districts with joint high school/elementary Boards, the Board can either: (1) limit chairpersonship to those trustees qualified to vote on all matters before the Board, both elementary and high school; or (2) select a separate Chairperson to preside over issues involving only the elementary District.

Vice-Chairperson

The Vice-Chairperson shall preside at all Board meetings in the absence of the Chairperson, and shall perform all of the duties of the Chairperson in case of the Chairperson’s absence or disability.

Legal Reference:

§ 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

Policy History:

Adopted on: 11/9/98
Revised on: 7/1/03
The clerk of the Board shall attend all meetings of the Board unless excused by the Chairperson, and keep an accurate journal of its 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 Board will designate a person to serve as clerk for the meeting.

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. The clerk shall perform other duties as prescribed by state law or as directed by the Board.

Legal references:
- § 20-3-321, MCA Organization and officers
- § 20-3-325, MCA Clerk of the district
- § 20-4-201, MCA Employment of teachers and specialist by contract
- § 20-9-133, MCA Adoption and expenditure limitations of final budget
- § 20-9-165, MCA Emergency budget limitation, preparation, and adoption procedures
- § 20-9-221, MCA Procedure for issuance of warrants
- § 20-20-401, MCA Trustees' election duties

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

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 any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item. Each trustee shall visit each school not less than once per year to examine its management, conditions and needs.

Each member is obligated to attend Board meetings regularly. Whenever possible, each trustee shall give advance notice to the Chair or Superintendent of his/her inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so. The Board shall declare a position vacant after a trustee is absent from three (3) consecutive Board meetings or if the trustee has been absent from the District for sixty (60) consecutive days.

Cross Reference: 1113 Vacancies
1455 Absences of Board Members

Legal References:
§ 20-3-301, MCA Election and term of office
§ 20-3-308, MCA Vacancy of trustee position
§ 20-3-324(21), MCA Powers and duties
§ 20-3-332, MCA Personal liability of trustees.

Policy History:
Adopted on: 11/9/98
Revised on:
District Policy

Adoption and Amendment of Policies

Proposed new policies and proposed changes in 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 second reading. The final vote for adoption shall take place not earlier than the next succeeding regular or special Board meeting.

All new or amended policies shall become effective upon adoption, unless a specific effective date is provided 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 shall also be included in the District's policy manual. Policies of the District shall be reviewed annually by the Board of Trustees.

Policy Manuals

The Superintendent shall develop and maintain a current policy manual which contains the policies of the District. Each administrator, as well as staff, students and other residents, shall have ready access to the manual. All policy manuals distributed to anyone shall remain the property of the District. They shall be subject to recall at any time.

Suspension of Policies

Under circumstances which require a waiver of a policy, the policy may be suspended by a majority vote of the members present. In order to suspend a policy, all trustees must have received written notice of the meeting which included a proposal to suspend the policies with an explanation of the purpose of such proposed suspension. If such a proposal is not made in writing in advance of the meeting, the policies may only be suspended by a unanimous vote of all trustees present.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

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. Such procedures need not be approved by the Board, though they may be revised when it appears that they are not consistent with the Board's intentions as expressed in its policies. On controversial topics, the Superintendent may request prior Board approval.

Policy History:
Adopted on: 11/9/98
Revised on:
Authorization of Signatures

For the conduct of the business of the District, the Board may grant authority to specific staff to sign certain documents on behalf of the District. The Chairperson and clerk are authorized to use a facsimile signature plate or stamp. All such plates must be filed under oath with the Secretary of State. The use and security of a signature stamp for use by the Chairperson and clerk shall be controlled in accordance with §20-9-221(2), MCA.

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

Checks: The school principal is designated as the custodian of each school building extracurricular fund account. The Superintendent is designated as the custodian of all District petty cash accounts.

Contracts for Goods and Services and Leases: The Superintendent is authorized to sign on behalf of the Board, contracts, leases, and/or contracts for goods and services. The types of goods and services contracted for must be pre-approved by the Board.

Personnel Contracts: The Chairperson and clerk are authorized to sign personnel contracts and agreements of employment on behalf of the Board by facsimile signature.

Negotiated Agreements: Negotiated agreements shall be signed for the District by the Chairperson and the clerk.

Legal Reference:
- § 2-16-114, MCA Facsimile signatures
- § 20-9-204, MCA Conflicts of interest, letting contracts, calling for bids
- § 20-9-213, MCA Duties of trustees
- § 20-9-221(2), MCA Procedure for issuance of warrants

Policy History:
- Adopted on: 11/9/98
- Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Board Meetings

Regular Meetings

Regular meetings shall be held at 7:00 p.m. on the second Monday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in a school building or in a publicly owned building located within the District. If regular meetings are to be held at places other than the place stated above, or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. When a meeting date falls on a legal holiday, the meeting shall be held on the next business day.

The Board will conduct a special meeting at 7:00pm, if necessary on Thursday of the week immediately preceding graduation to review and investigate a recommendation to prohibit a student from participating in commencement exercises. Prior to concluding the meeting, the Trustees shall decide if the student will be prohibited from participating in commencement exercises.

Emergency Meetings

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

Budget Meetings

Between July 1st and August 4th of each year, the Clerk shall publish a notice stating the date, time and place the trustees will meet for the purpose of considering and adopting the final budget of the District, stating that the meeting of the trustees may be continued from day to day until the final adoption of the District’s budget, and stating that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published in the Sidney Herald.

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

Special meetings may be called by the Chairperson or by any two (2) members of the trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to each trustee not less than forty-eight (48) hours prior to the time of the meeting. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. 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. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

Executive Sessions

Under Montana law, the Board may hold closed or executive sessions to consider matters of individual privacy. Prior to closing the meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The Board may also close a meeting to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Prior to closing a meeting for this purpose, it is recommended that the District obtain legal advice on the appropriateness of this action. No formal action shall take place during executive session.

Legal Reference:

§2-3-103, MCA Public parties portion
§2-3-104, MCA Requirements with compliance with notice provisions.
§2-3-105, MCA Supplemental notice by radio or television
§2-3-201, MCA Legislative intent
§203-203, MCA Meetings of public agencies to be open to public – exceptions
§20-9-131, MCA Final Budget Meeting
§20-3-322, MCA Meeting and quorum
§10.55.701, ARM Board of Trustees

Policy History:
Adopted on:
Revised on: 7/1/02, 10/7/08
Sidney School District

THE BOARD OF TRUSTEES

Records Available to Public

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

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 will be charged for any copies requested. Copies will be available within a reasonable amount of time following the request.

Fees will be charged as follows:

a) Copy of Board of Trustee 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 Reference: § 20-9-213, MCA Duties of Trustees
§ 20-3-323, MCA District Policy and Record of Acts

Policy History:
Adopted on: 11/9/98
Revised on:
School Board Meeting Procedure

Agenda

The agenda for any Board meeting shall be prepared by the Superintendent. Items submitted by Board members to be placed on the agenda must have prior approval of the Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent at least 7 days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board agenda must also notify the Superintendent, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate that the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda need not request placement on the agenda, and may ask for recognition by the Chairperson at the appropriate time.

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

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

Consent Agenda

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

The Clerk shall keep written minutes of all open Board meetings, which shall be signed by the Chairperson and the Clerk. The minutes shall include:

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;
- Summary of discussion on all matters discussed (including those matters discussed during the “public comment” section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

When issues are discussed that may require a detailed record, the Board may direct the Clerk to record the discussion verbatim. Any verbatim record may be destroyed after the minutes have been approved, pursuant to § 20-1-212, MCA.

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

Quorum

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

Electronic Participation

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

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

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

Meeting Conduct and Order of Business

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

Cross Reference: 1441 Audience Participation

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/05, 7/01/06, 7/01/08, 7/01/09
Sidney School District

THE 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 public's statutory and constitutional right to participate in governmental operations. In order to permit fair and orderly expression of such comment, the Board will provide a period during which visitors may make presentations. The Chair may control such comment to insure an orderly progression of the meeting and allow for public comment.

The Board will also allow individuals to express an opinion prior to Board action on agenda items. Individuals wishing to be heard by the Board shall first be recognized by the Chair. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. Any representative of a firm eligible to bid on materials or services solicited by the Board shall also be entitled to express an opinion. The Chair may interrupt or terminate an individual's statements 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. If the subject matter of the agenda item involves a matter of individual privacy which clearly exceeds the merits of public disclosure, the Board Chair shall receive comments from individuals in executive session.

Legal Reference
Article II, Section 8, Montana Constitution
Article II, Section 10, Right of Privacy
§ 2-3-101, et seq., MCA, Right of Participation

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Conflict of Interest

A trustee may not:

1. engage in a substantial financial transaction for his/her private business purpose with a person whom he/she inspects or supervises in the course of his/her official duties.
2. perform an official act directly and substantially affecting its economic benefit, a business or other undertaking in which he/she 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:
   A. merchandise sold to the highest bidder at public auctions;
   B. investments or deposits in financial institutions which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or
   C. 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;
6. appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
   a. This prohibition does not apply to the issuance of an employment contract of 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 who was initially hired before the Board member to whom he/she is related assumed the position.
   c. This prohibition does not apply if the trustees comply with the following requirements:
      (1) All trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person;
      (2) 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 or marriage, except when the marriage has resulted in issue still living.

Below is a list of the various relationships by affinity that fall within the category prohibited. Any other relationship would be allowed. If the appointing power is a woman instead of a man, substitute the word "husband" where "wife" appears.

Relationship to Appointing Power:

<table>
<thead>
<tr>
<th>1st Degree</th>
<th>2nd Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father-in-law</td>
<td>Grandparents-in-law</td>
</tr>
<tr>
<td>Mother-in-law</td>
<td>Brother-in-law (wife's brother)</td>
</tr>
<tr>
<td>Daughter-in-law</td>
<td>Sister-in-law (wife's sister)</td>
</tr>
<tr>
<td>Son-in-law</td>
<td>Brother-in-law (sister's husband)</td>
</tr>
<tr>
<td></td>
<td>Sister-in-law (brother's wife)</td>
</tr>
<tr>
<td></td>
<td>Husband or wife of grandchildren</td>
</tr>
</tbody>
</table>

Legal Reference

§ 2-2-125, MCA Rules of conduct for local government officers
§ 2-2-201, MCA Public officers, employees of former employees not to have interest in contracts
§ 2-2-302, MCA Appointment of relative to office of trust - employment unlawful
§ 2-2-303, MCA Agreement to appoint relative to office unlawful
§ 20-1-201, MCA School officers not to act as agent
§ 20-9-204, MCA Conflicts of interest, letting contracts and calling for bids

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Management Rights

The Board retains the right to operate and manage their 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 non-productive;
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 on-going direction of all District programs. The successful operation of this District requires a close, effective working relationship between the Board and the Superintendent. The relationship must be one of trust, good will, and candor. As the legally designated body, the Board retains final authority within the District. The Superintendent is the Board’s professional advisor to whom the Board delegates executive responsibility.

Cross Reference:  6110  Superintendent-Board Relations

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Board/Staff Communications

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

Staff Communication to the Board

All official communications or reports to the Board from principals, supervisors, teachers, or other staff members shall be submitted through the Superintendent. This shall not deny any staff member's right to appeal to the Board from administrative decisions, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed according to the applicable procedures for complaints and grievances.

Board Communications to Staff

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

Visits to Schools

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

Social Interaction

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

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

Policy History:
Adopted on: 11/9/98
Revised on:
Principles For Board/Administration Rules

The most effective way to operate and supervise a school district is through close cooperation among the Board, the Superintendent and the administrative team. Each group plays a different role, and each role is essential to the success of the entire system.

The Board and administrators have an obligation to provide educational leadership. The public expects the best in educational expertise, communication, decision making and planning. All policies and decisions of the Board/administrative team must be gauged, then tested, against the fact that the primary concern is for students.

Board-Administration Relations

The following set of principles are intended to create an open, productive environment as a team approach to school management:

1. School Climate

   The Board holds as its philosophy that building administration is accountable for establishing a friendly, productive and positive climate within the building and contributing to a positive climate within the District. Maximum emphasis will be placed on educational opportunities for students.

2. Cooperation and Support

   An effective team process is dependent upon the support and cooperation of each team member individually and as a group. The Board has the responsibility to give full support to the administration when it has followed the District policies, philosophy, this code, and sound educational practices. The administrators' responsibility is to support all official actions taken by the Board.

3. Loyalty

   Each administrator has the responsibility of demonstrating loyalty to the District. This obligation shall be evidenced by positive, supportive actions. There should be a sense of loyalty among members toward the actions of the full Board.

4. Justice and Due Process

   The Board will follow appropriate due process procedures in the conduct of all of its official personnel business. Such procedures will be monitored by the administration and legal counsel.
It is the administrator's responsibility to be familiar with all the steps and legalities involved with due process procedures, as they apply to this District. Whenever matters are brought before the Board by the administration, it will be the administrative responsibility to provide concise, accurate information showing how all due process procedures were followed on any particular case.

5. Decision-Making

Every decision that is to be made in the District should first and foremost be considered for the effect it will have on students. Students are of primary concern in all decision-making activities. An orderly process will be followed which will provide opportunities for employees, parents and others to discuss their concerns as well as to address planned programs and policies under consideration by the Board. Channels will be kept open for individuals to respond to policies and practices which affect them. District philosophy will guide all action taken.

The Board will call upon the administration to provide the professional resources and recommendations on matters brought before it. It will be the administrators' function to solicit, throughout the process of developing recommendations, the appropriate input by those whom are affected by any pending decisions.

6. Policies and Philosophies

Policies that are adopted shall be referred to as "District Policies." In order to keep policies current, the Board will call for regular review of all policies. The Board shall insure that all philosophy development includes District-wide input.

7. Communication

It shall be the responsibility of each Board Member and each administrator to remain fully informed. All principals and central office administrators are encouraged to attend all Board meetings, including any meeting related to conditions of their employment.

To foster good communications, administrative decisions at the central office and all decisions made at any administrative level shall be promptly disseminated to those whom are affected by any of these decisions.

8. Working Relationships

Each member of the team is charged with the responsibility of working with the team to find the best ways to evolve a system in which cooperation, support and mutual respect can prevail.
The Board understands its responsibility to establish policy and recognizes the importance of delegating the administration to implement these policies. The Board determines what the policy will be and the administration is given the flexibility to determine how the policy is best implemented.

9. Morale

The Board recognizes the importance of and is pledged to promote practices which enhance good administrative morale. Examples of important morale boosters are providing for shared goal setting, clearly defining expectations, maintaining consistency in action, expecting equality in input on decisions in the decision-making process. Administrator morale problems or concerns are expected to be communicated to the Board through the Superintendent.

10. Monitoring the Provisions of this Code

The Board, through its Chair, shall have the responsibility of implementing the provisions of this code as it applies to the membership of the Board. The Board shall establish its own monitoring and remediation provisions for its own membership. It is expected that each Board member will act in a professional and ethical manner, will follow this code of operating principles, as well as the Board's own code of ethics.

Each administrator will be personally responsible and will hold those supervised accountable for the provisions of District policy. This includes the administrative responsibility for the legal support and implementation of official District policies and philosophies.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

Trustees elected by the citizens to serve on the Board which provides governance to the District, a financially large public enterprise, serve without financial compensation. To intelligently deal with numerous issues and to budget and monitor thousands of dollars in expenditures annually, training and communications are essential. Trustees normally attend workshops, training institutes, and conferences at both the state and national level. It is appropriate that trustee expenditures at these out-of-District meetings be paid by the District.

It is the intent of the District to pay all legitimate costs for trustees to attend out-of-District meetings. The purpose of this policy is to provide for expenditure guidelines and define what is considered legitimate expenses of attendance at out-of-District meetings. The District will pay the cost for:

1. Transportation to and from the meeting site in the amount of the cheapest available air fare if the meeting is more than 100 miles from Sidney, and at the per mile rate approved for the District for meetings 100 miles or less from Sidney.

2. On-site transportation: For necessary transportation by bus, taxi or rental car during the course of the meeting.

3. Hotel or motel cost for trustee room accommodations at the meeting or convention headquarters facility or other as necessary. If at a convention, the headquarters hotel cannot accommodate all of the participants and a trustee must stay at an alternative facility, the cost of the alternative facility will be paid.

4. Food costs as necessary: Since food costs vary significantly from one location to another, a specific dollar allowance for meals per day is not possible to establish. Trustees are requested to be modest in their meal expenditures.
5. Telephone services: Necessary telephone communications with business or family resulting from the trustee being away from Sidney.

6. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance at the meeting.

7. Registration and materials which are a part of the meeting agenda and/or requirements.

Trustees may be called upon to itemize expenses associated with all travel reimbursed by the District.

Legal References

| § 2-18-503, MCA | Mileage allowance |
| § 20-1-211, MCA | Expenses of officers attending conventions |
| § 20-3-311, MCA | Trustee travel reimbursement |

Policy History:
Adopted on: 11/9/98
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 his/her authority as a trustee.

Legal Reference

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>§ 20-3-331, MCA</td>
<td>Purchase of liability insurance</td>
</tr>
<tr>
<td>§ 20-3-332, MCA</td>
<td>Personal immunity and liability of Trustees</td>
</tr>
</tbody>
</table>

Policy History:
Adopted on: 11/9/98
Revised on:
Indemnification and Defense of Trustees and Employees

The District shall defend and indemnify each of its Trustees and employees whenever such Trustees or employees are civilly sued for their actions taken within the course and scope of their service to or employment by the Board, as a result of an alleged violation of Article VII, Section 17, of the Montana Constitution, except as otherwise provided herein.

In any noncriminal action brought against any Trustee or employee of the District for a negligent act, error, or omission, or other actionable conduct of the Trustee or employee committed while acting within the course and scope of the Trustee’s office or employee’s employment, resulting in an increase in taxes in violation of Article VII, Section 17, of the Montana Constitution, the District shall, except as otherwise provided herein, defend the action on behalf of the Trustee or employee and indemnify the Trustee or employee. Indemnification shall be provided for any money judgments or legal expenses, including attorney fees either incurred by the Trustee or employee or awarded to the claimant, or both, to which the Trustee or employee may be subject as a result of a suit covered under this policy, unless the conduct of the Trustee or employee falls within the exclusions provided herein.

Upon receiving service of a summons and complaint in a noncriminal action against him or her alleging a violation of Article VII, Section 17, of the Montana Constitution, the Trustee or employee shall give written notice to the District, requesting that a defense to the action be provided by the District. Except as otherwise provided herein, the District shall offer a defense to the action on behalf of the Trustee or employee. The defense may consist of a defense provided directly by the District. The District shall notify the Trustee or employee, within 15 days after receipt of notice, whether a direct defense will be provided.

In a noncriminal action in which a Trustee or employee is a party defendant, the Trustee or employee shall not be defended or indemnified by the District for any money judgments of legal expenses, including attorney fee, to which the Trustee or employee may be subject as a result of the suit, if it is determined that:

1. The conduct upon which the claim is based constitutes oppression, fraud, or malice or for any other reason does not arise out of the course and scope of the Trustee’s office or the employee’s employment;

2. The conduct of the Trustee or employee constitutes a criminal offense as defined in Title 45, chapters 4 through 7;

3. The Trustee or employee compromised or settled the claim without the consent of the District; or
4. The employee failed or refused to cooperate reasonably in the defense of the case. 

If no judicial determination has been made applying the exclusions provided herein, the District may independently determine whether those exclusions apply. However, if there is a dispute as to whether the exclusions herein apply and the District concludes it should clarify its obligation to the Trustee or employee arising under this section by commencing a declaratory judgment action or other legal action, the District shall provide a defense or assume the cost of the defense of the Trustee or employee until a final judgment is rendered in such action holding that the District had no obligation to defend the Trustee or employee. The District has no obligation to provide a defense to the Trustee or employee in a declaratory judgment action or other legal action brought against the Trustee or employee by the District under this policy.

Policy History:
Adopted on: 7/12/99
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Annual Goals and Objectives

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

THE BOARD OF TRUSTEES

Evaluation of Board

At the conclusion of each year, the Board shall evaluate its own performance in terms of generally accepted principles of successful Board operations.

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

Policy History:
Adopted on: 11/9/98
Revised on: 12/11/07
In-Service Conference for Trustees

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

Funds may be budgeted annually for trustees to travel to the National School Boards Association's education conference. Selections of these trustees shall be on a rotating basis and determined by seniority. Any trustee representing the district at this conference shall:

- provide a summary to the Board at the following month’s committee meeting.

Any trustee whose term expires in the year in which travel is planned is not eligible unless the trustee is running for reelection.

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/04
Sidney School District

THE BOARD OF TRUSTEES

Board Participation in Activities

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

Policy History:
Adopted on: 11/9/98
Revised on:
SIDNEY SCHOOL DISTRICT
2000 SERIES
INSTRUCTION

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2510  School Wellness
Sidney School District

INSTRUCTION

Educational Philosophy, Objectives and Goals

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

- To stimulate intellectual growth and curiosity;
- To provide fundamental career concepts and skills.
- To help the student develop sensitivity to the needs and values of others and a respect for individual and group differences;
- To develop an awareness of and appreciation for cultural diversity.

The administrative staff is responsible for apprising the Board of the educational program’s current and future status.

The primary purpose of schooling is the transmission of knowledge and culture through which students learn in areas necessary to their continuing development and entry into the world of work. The Board gives priority in the allocation of resources, including funds, time, personnel and facilities, to fulfilling this purpose.

Accreditation

The Board will review the state accreditation program standards annually and provide in each school building at least one copy of the standards for staff and public review. The Board acknowledges its responsibility for developing and implementing a curriculum designed to provide for sequential intellectual and skill development necessary for students to progress on a continuous basis from the elementary through secondary school.

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

Legal Reference 10.55.701. ARM, Board of Trustees

Policy History:
Adopted on: 11/9/98
Revised on:
School Year Calendar and Day

School Calendar

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

Commemorative Holidays

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

School Fiscal Year

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

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

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

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

Legal References: § 20-1-301, MCA School fiscal year
§ 20-1-302, MCA School day and week
§ 20-1-304, MCA Pupil-instruction-related day
§ 20-1-306, MCA Commemorative exercises on certain days
ARM 10.55.701 Board of Trustees
ARM 10.65.101-103 Pupil-Instruction-Related Days
ARM 10.55.906 High School Credit

Policy History:
Adopted on: 11/9/98
Reviewed on:
Revised on: 7/1/08
Sidney School District

INSTRUCTION

Grade Organization

The District has instructional levels for grades kindergarten through twelve. The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

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

A student will be assigned to an instructional group or a classroom 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, learning style of the student and any other variables that will affect the performance of the student.

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

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Pre-First Program

The District shall operate a pre-first program for those children needing additional attention prior to entering first grade.

The objectives of the program are to:

1. identify children with incipient problems of a social, emotional, and/or physical nature, regardless of whether they are related to maturational development;

2. provide an educational experience that will ameliorate or eliminate these problems at an early age, thereby deterring adjustment and/or learning problems from developing in subsequent years;

3. identify children who do not have facility in the English language and provide experiences that enhance and accelerate the development of such a facility;

4. identify children who would not otherwise attend a nursery school prior to entering public school and provide them with equal learning opportunities;

5. provide experiences for the parents of these children through a volunteer aide program whereby they can become oriented to the task of the school and how their role as parents might relate to the task as it affects their children; and

6. provide learning experiences in early childhood education and child care for high school students through cooperative arrangements with the District High School.

Legal Reference: § 20-7-117, MCA Five-year-olds schooling and preschool programs

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Curriculum Development and Assessment

The Board is responsible for curriculum adoption and must approve all significant changes, including the adoption of new textbooks and new courses, before such changes are made. The Superintendent is responsible for making curriculum recommendations. The curriculum shall be designed to accomplish the learning objectives and goals for excellence contained in the District’s Educational Philosophy, Objectives and Goals.

Development and Assessment

The Curriculum Director or designee will develop written sequential curricula for each subject area. The curricula shall address learner goals and District education goals and shall be constructed to include such parts of education as content, skills and thinking. The Director will establish a curriculum review cycle and time lines for curriculum development and evaluations.

The Curriculum Director will suggest materials and resources to include supplies, books, materials and equipment necessary for development and implementation of the curriculum and assessment that are consistent with the goals of the education program. These materials shall be reviewed at least every five years.

In all program areas and at all levels, the Curriculum Director shall assess student progress toward achieving learner goals including: the content and data; the accomplishment of appropriate skills; the development of critical thinking and reasoning; and, attitude. The Director will use assessment results to improve the education 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; on-going classroom evaluation; actual communication assessments such as writing, speaking, and listening assessments; samples of student work and/or narrative reports passed from grade to grade; samples of students’ creative and/or performance work; and, surveys of carryover skills to other program areas and outside of school.

Cross Reference:  2000  Goals

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Curriculum Change

Before a curriculum change is made, the following procedure must be followed:

1. Proposal is written by individual or group, specifying rationale, goals and objectives.
2. The curriculum proposal is submitted for review and discussion to the appropriate grade levels (K-12) by their respective committee representatives.
3. The curriculum proposal is submitted to the Superintendent for review and approval or disapproval.
4. The proposal is submitted to the Board for review and ultimate approval or disapproval.

These series of steps help ensure that appropriate attention is being given to the implications of the change for the students of the District relative to the entire K-12 curriculum. Since the steps are significant and time has to be spent reviewing each proposal, one must expect a year's lead time before a proposal will be potentially approved.

Procedure for the Deletion or Institution of a New Course

Deletion of a Course

1. The principal or curriculum committee may recommend the deletion of a course, either because the course no longer meets the needs of students or because a significant number of students no longer choose to take the course.
2. The recommendation for deletion of a course should be made to the Superintendent.

Addition of a Course

1. A principal or the curriculum committee may recommend the addition of a course.
2. Recommendations for new courses must come with a rationale, estimated costs and a list of potential problems that may result from its addition.
3. The Board of Trustees must approve the addition of a course.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Program Evaluation and Diagnostic Tests

The Board strives to achieve efficiency and effectiveness in all facets of its operations. In order to achieve this goal, the Board shall strive to set forth:

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

2. A provision for staff, resources and support to achieve the 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 or legal guardians who wish to examine any assessment materials may do so by contacting the Superintendent. Parent or legal guardian approval is necessary before administering an individual intelligence test or a diagnostic personality test. No tests or measurement devices containing any questions about a student's or his/her family's personal beliefs and practices in family life, morality and religion shall be administered unless the parent or legal guardian gives written permission for the student to take such test, questionnaire or examination.

The Superintendent shall prepare an annual report which reflects the degree to which District goals and objectives relate to the instructional program have been accomplished. The Superintendent shall annually review the assessment processes and procedures to determine if the purposes of the evaluation program are being accomplished.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Student and Family Privacy Rights

Surveys - General

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

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

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

- 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.

**Instructional Material**

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

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

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

The term “personal information,” for purposes of this section only, means individually identifiable information including: (1) a student’s or parent’s first and last name, (2) a home or other physical address (including street name and the name of the city or town), (4) telephone number, or (5) a Social Security identification number.

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

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

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

Notification of Rights and Procedures

The Superintendent or designee shall notify 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;
• How to request access to any survey or other material described in this policy.

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

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

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

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Guidance and Counseling

The District recognizes that guidance and counseling is 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 District shall provide a guidance program that will assist every student. Building principals shall direct the District’s guidance program. The program should:

1. Provide staff with meaningful information which can be utilized to improve the educational services offered to individual students.
2. Provide students with planned opportunities to develop future career and educational plans.
3. Refer students with special needs to appropriate specialists and agencies.
4. Aid students in identifying options and making choices about their educational program.
5. Assist teachers and administrators in meeting academic, social and emotional needs of students.
6. Provide for a follow-up of students who further their education and/or move into the world of work.
7. Solicit feedback from students, staff and parents for purposes of program improvement.
8. Assist students in developing a sense of belonging and self-respect.

All staff shall 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 and encouraging students to consider and explore "nontraditional" occupations.

The Board directs the Superintendent to work with staff, community and appropriate agencies to develop, implement and regularly evaluate this program.

Legal Reference

10.55.710, ARM Assignment of Guidance Staff
10.55.802, ARM Opportunity and Educational Equity
§ 49-3-203, MCA Educational, Counseling and Training Programs

Policy History:
Adopted on: 11/9/98
Revised on:
Extra and Co-Curricular Activities - Desired Student Outcomes

The District recognizes that the student activities program is an integral part of school life. As such, this broad-based program should contribute to the intellectual, physical, social and emotional growth of students.

The District is committed toward operating all extra and co-curricular programs in a manner that not only teaches the techniques, fundamentals and strategies of the activity but enhance the social and emotional development of the participants and the spectators.

The Montana High School Association academic regulations state the following: “To be eligible to participate in the Association contest, the student must have received a passing grade in at least twenty (20) periods of prepared work per week, or its equivalent, during the last preceding semester in which he/she was in attendance. If a student is assigned an incomplete in a subject, he/she has not received a passing grade in that subject. The record at the end of the semester is final, and scholastic deficiencies may not be made up in any way.”

To this end, the Superintendent is directed to establish guidelines and/or procedures which define the respective responsibilities of school principals, Activities Director, coaches and staff members in terms of the development and implementation of the activities program in order to maximize the social and emotional development of participants and student spectators.

Policy History:
Adopted on: 11/9/98
Revised on:
NOTE: Schools receiving federal ESEA funds are required to have a parent involvement policy. This sample policy can be used as the basis for the joint development of a policy, as required by the federal legislation. This policy cannot be the District’s policy without some parental involvement in its development at the local level.

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

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

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

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

1. Information about programs provided under Title I;

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

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

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

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings, through payment of transportation and childcare costs.
The parents of children identified to participate in Title I programs shall receive from the school principal and Title I staff an explanation of the reasons supporting each child’s selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child’s progress. Parents will also receive guidance as to how they can assist at home in the education of their children.

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

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

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

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

NOTE: Districts with more than one (1) school participating in a Title I program may wish to consider the establishment of a district-wide parent advisory council.

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

INSTRUCTION

Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

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

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

Administration

It is the responsibility of the administration to:

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

Procedure History:
Adopted on: 11/9/98
Revised on: 7/1/03
Special Education

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the District, required under the Individuals With Disabilities Education Act (hereinafter “IDEA”) and implementing provisions in Montana law, and the Americans With Disabilities Act.

For students eligible for services under IDEA, the District shall 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 the Individuals with Disabilities Education Act.”

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/01
The Superintendent shall place the annual application on the agenda of a regular meeting of the Board, for action prior to submission to the state educational agency for final approval.

Child Find

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:
   A. Infants and Toddlers (Birth through Age 2) Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
   B. Preschool (Ages 3 through 5) Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
   C. In-School (Ages 6 through 18) Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
   D. Post-School (Ages 19 through 21) Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.
E. Private Schools (This includes home schools.) Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

F. Homeless Children

Procedures for Evaluation and Determination of Eligibility

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

- 10.16.3320 - Referral;
- 10.60.103 - Identification of Children with Disabilities;
- 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.

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

D. Safeguards

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

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent’s request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children’s Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (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.

Legal Reference: 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)
§ 20-1-213, MCA Transfer of school records
10.16.3122 ARM Local Educational Agency Responsibility for Students with Disabilities
10.16.3129 ARM Parental Involvement
10.16.3220 ARM Program Narrative
10.16.3321 ARM Comprehensive Educational Evaluation Process
10.16.3322 ARM Composition of a Child Study Team
10.16.3340 ARM Individualized Education Program and Placement Decisions
10.16.3342 ARM Transfer Students: Intrastate and Interstate
10.16.3560 ARM Special Education Records
10.60.103 ARM Identification of Children with Disabilities

Procedure History:
Adopted on: 11/9/98
Revised on: 7/01/01, 7/01/06, 7/01/0
Section 504 of the Rehabilitation Act of 1973

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 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.

34 C.F.R. 104.36

Procedure History:
Promulgated on 7/1/01
Revised on:
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 disagree 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 are 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 of receipt of the same;

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 that 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 that would conduct the hearing in an impartial and fair manner;

F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;
G. Within five (5) days of the District’s selection of a hearing officer, a pre hearing, 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. At any time prior to the hearing, the parties may mutual 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 appropriately equipped 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 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 Officer of Civil Rights, 1244 Speer Blvd., Suite 310, Denver, Colorado 80204-3582, (303)844-5695 or 5696.

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

Legal Reference: 34 C.F.R. 104.36. Procedural safeguards
Policy History:
Adopted on: 7/01/01
Revised on:
Sidney School District

INSTRUCTION

Traffic Education

Sidney School District will provide a drivers’ training instruction program for students who live within the geographic boundaries of the public school district, whether or not they are enrolled in the public school district and provided that students enrolled in the course will have reached their fifteenth (15th) birthday within six (6) months of course completion and have not yet reached nineteen (19) years of age on or before September 10 of the school year in which the student participates in traffic education.

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

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/09
Homebound, Hospital and Home Instruction

Homebound, hospital or home instruction may be provided to a student who is physically or emotionally unable to attend school. These instructional services will be provided by a certified teacher and/or an aide. Some combination of these services may be offered.

Whereas homebound and hospital instruction is intended for those student who are unable to attend school because of a medical disability, home instruction is designed for able bodied students who have emotional disturbances and/or severe behavioral difficulties which present a clear and present danger to self and others. Under these circumstances a temporary educational placement outside of the school environment must be provided until an appropriate placement can be found, or until it is determined that the student can be safely returned to the school environment.

Legal Reference: 10.16.1308, ARM Services to Homebound and/or Hospitalized Students

Policy History:
Adopted on: 11/9/98
Revised on:
Homebound, Hospital and Home Instruction

Homebound and Hospital Instruction:

Criteria for Placement:

A written statement must be on file with the District from the student's physician verifying the medical disability, stating the anticipated length of the absence from the school, and recommending the service as compatible with the student's present health and medical status.

For special education students, a Child Study Team must be convened once the District receives the physician's statement to evaluate the student's educational needs, to develop a written IEP, and to obtain the parent's consent for placement in special education.

Staffing Requirements:

A regular or special education teacher with a current Montana certificate or a supervised aide will be hired to provide homebound or hospital instruction. In-District special education teachers may be utilized to help monitor a student's program as time is available. This would be especially true when the student's home program is being implemented via telephone hookup with the regular classroom. Five hours per week of one-to-one instruction will normally be considered adequate to maintain a student's skill level. It is expected that students will work independently on assignments between tutorial visits to the home or hospital.

Other Procedures:

The Child Study Team chairpersons and/or principals are required to contact the Director of Special Education or the Superintendent respectively to verify the availability of monies before instituting an instructional program.

Related services for special education students such as speech, occupational and physical therapy may be provided to students, while on homebound instruction when these services are clearly required to enable the student to benefit from the homebound instruction. Objectives on the IEP must address the related service functions.

Home Instruction:

Criteria for Placement:

All educational placements within the District including a fully self-contained special ed class must have been utilized before home instruction can be considered. Before home instruction will
be provided it must be the consensus of the Child Study Team that a student's manifest behavior presents a clear and present danger either to himself or others. When a lack of consensus exists, the decision will be referred to the Director of Special Education. The student's parent or guardian will be required to sign a consent for placement. If the parents reject the Child Study Team recommendation for home instruction, they shall be advised of their rights to impartial hearing, in which case the "stay put provisions" apply.

Conditions of Instruction:

Hours of instruction will usually be five hours per week and will not exceed the state recommended maximum of ten hours per week. The teacher will hold a current Montana certificate in either secondary or elementary education, and may also be endorsed in special education where deemed advisable. During instruction time another adult, preferably a member of the student's family, will be present in the home.

If the home instruction exceeds ten days, the student will be dropped for ANB purposes, and will need to re-enroll if it is determined later that he or she is able to return to school.

The length of home instruction should generally be limited to three weeks or 15 school days. If the Child Study Team is unable to recommend appropriate placement by the end of three weeks, they must reconvene with the Director of Special Education present and outline their progress to date and the next steps to be taken. A record of this meeting will be kept on the regular Child Study Team forms.


Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Gifted Program

To the extent possible within the resources available, all gifted and talented students shall have an opportunity to participate in appropriate educational programs. The term “gifted and talented” means children of outstanding abilities who are capable of high performance and require differentiated educational programs beyond those normally offered in public schools in order to fully achieve their potential contribution to society and self.

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

1. Expansion of academic attainments and intellectual skills;
2. Stimulation of intellectual curiousity, independence and responsibility;
3. Development of a positive attitude toward self and others; and

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

Legal References: § 20-7-901 through 904, MCA
10.55.804, ARM

Gifted and talented children
Gifted and talented

Policy History:
Adopted on: 11/9/98
Revised on:
Distance, Online, and Technology-Delivered Learning

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

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

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

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

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

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

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

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

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

1. Prior permission has been granted by the principal;

2. The program fits the education plan submitted by the regularly enrolled student;

3. The course does not replace a required course offered by the District;
4. The course is needed as credit retrieval and cannot fit into the student’s schedule; and

5. Credit is granted for schools and institutions approved by the District after evaluation for a particular course offering.

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

Cross Reference: 2410 and 2410P High School Graduation Requirements

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

Policy History: Adopted on: 7/1/08 Revised on:
Sidney School District

INSTRUCTION 2221

School Closure

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

Cross Reference: 8111 Emergency Routes and Schedules

Legal Reference: § 20-9-801-803, MCA Emergency School Closure

Policy History:
Adopted on: 11/9/98
Revised on:
School Closure

All students, parents, and school employees should assume that school will be in session and buses running as scheduled, unless there is official notification from the Superintendent or his/her designee to the contrary. Such notice will be given via public media (generally radio).

In the event that extremely cold temperatures, wind chill factors, snow, wind or other circumstances require a modification of the normal routine, the Superintendent or his/her designee will make the modification decision prior to 6:00 a.m. and contact the public radio stations for broadcast to the community and will initiate the emergency fan-out communication procedure to all administrators.

Modification of the normal routine generally occurs in one of two ways. The first circumstance occurs when buses are unable to safely make their normal runs. In this case bus transportation is suspended, but school is still in session. Students are encouraged to attend, but parents must make the judgment relative to safety for their children to reach school and return at the end of the day.

The other rare and very unusual circumstance occurs when conditions are such to warrant closure of the schools. In this circumstance, two situations may occur: 1) The Governor declares a state of emergency and no state funds are to be denied the District as a result of school closure. 2) A state of emergency may not exist throughout the state, but conditions require closure in Sidney.

In both situations, the Work Schedules and Responsibilities as outlined below apply except as follows: In a Governor-declared emergency situation where no state funds are to be denied, all classified employees will be paid in the same manner as though school were not closed. Administrators and other certified staff will consider the day(s) as regular work days for purposes of fulfilling their contract. For those employees who actually do work, as stipulated below, equivalent compensatory time or additional straight pay will be provided.

Work Schedules and Responsibilities for School Closures

Superintendent

Only the Superintendent or his/her designee shall have the authority to close schools. The Superintendent or his/her designee will be on duty throughout any existing or potential emergency situation, day or night. All orders which are of doubtful origin should be confirmed with the Superintendent.
Central Administrative Personnel

Central administrative personnel shall be expected to report for duty on their assigned shifts in the event of any school closure insofar as is safely possible. Additional hours may be required, especially of the Building Head Custodians and Administration, Business Manager and Personnel Director, depending on the nature of the emergency. If it is absolutely impossible for a central administrator to report for duty, the administrator may take the day as a personal leave day or vacation day with the permission of the Superintendent.

Building-Level Administrators, Non-Teaching "Exempt" Personnel, and Key Support Staff

All building-level administrators and non-teaching "exempt" personnel shall report for duty per their normal shifts or as otherwise directed each day during the school closure, together with the head custodian or his/her designee and at least one secretary insofar as is safely possible. The building administrator shall ascertain that the building has been adequately secured and that any child who mistakenly reports to school [in the event that school has been closed] is properly and safely cared for and returned home. The administrator and this minimal support staff shall notify other staff and/or other support employees of the situation, and shall respond to telephone questions. When the situation has been stabilized, the personnel who reported to work may choose to return home. An administrator or exempt employee who does not work a normal day shall then adjust his/her work year by memorandum to the Superintendent by the number of hours not worked on the day or days of school closure.

12-Month Classified Employees

In the event of a school closure, 12-month classified personnel may report for duty or not report for duty, as directed by their immediate supervisor. Building secretaries and secretaries to the key central administrative personnel who are required to be on duty are expected to report for duty. If a twelve month classified employee is unable to or does not report for duty, the employee shall complete a leave request form to declare the day as either personal leave, vacation, or leave without pay.

10 and 11-Month Classified Employees

Ten and eleven-month employees may report for duty or not report for duty as directed by their immediate supervisor. If such employees do not report for duty, they shall complete a district leave request form to declare the day as either personal leave, vacation, or leave without pay.

All Aides, Food Service Workers, and Other 9 1/4-Month Classified Employees

These employees work only those days when school is in session and are not expected to work when school is not in session. If school has been closed, 9 1/4-month employees should not report for duty unless otherwise directed by their immediate supervisor. 9 1/4-month employees
shall complete a leave request form to declare the day as either personal leave, vacation, or leave without pay.

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

If schools are closed for weather or other emergency conditions, teachers are not expected to report for duty unless directed otherwise. Teachers do not need to submit an absence form. In cases of school closures, it is customary for the days to be made up at another time, thus teachers will typically still fulfill their contract days.

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/01/04
Summer School

To the extent possible within the resources available, the District shall offer a summer program of instructional offerings. The District's summer program of instructional offerings shall be for the purpose of remediation of credit, maintenance of skills, and enrichment. All classes offered for credit must meet minimum state requirements for accreditation. Remediation credit courses shall be offered, grades 9-12, in accordance with District advancement requirements. Credit course offerings must be approved by the principal.

Policy History:
Adopted on: 11/9/98
Revised on:
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 makes its resources available to adults within the limits of budget, staff, and classroom space. Daytime and/or evening use of classrooms, shops, and labs should be encouraged provided there is no interference with or impairment of the regular school program.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Confidentiality and Patriot Act

It is Montana State Law and Sidney Public School policy to recognize the right to privacy of library users. Law states that records held in libraries which connect specific individuals with specific resources, programs, or services are confidential and not to be used for purposes other than routine record keeping: i.e. to maintain access to resources, to assure that resources are available to users who need them, or to accomplish the purposes of the program or service. Notice of patron confidentiality in regards to the Patriot Act will be posted in each library. In the even that a request for confidential information is made by law enforcement or other government agencies the requesting party will be referred to the district office of the Sidney Public School System.

Policy History:
Adopted on: 7/1/04
Revised on:
Sidney School District

INSTRUCTION

Selection of Library Materials

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

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

Selection of Library Materials

The Board reaffirms the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the Library Bill of Rights, endorsed by the ALA Council in 1996.

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

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

Legal reference:

§ 20-4-402(5), MCA Duties of district superintendent or high school principal
§ 20-7-203, MCA Trustees' policies for school library
§ 20-7-404, MCA School library book selection

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/04
Selection of Library Materials

The selection of library material is a professional task conducted by the 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. The following aides may be used in the selection of materials:

- Booklist
- School Library Journal
- Wilson Standard School Catalogues
- Bulletin of the Center for Children’s Books
- English Journal
- Reading Journal
- Other Periodicals and Publications which review materials

Weeding

When materials no longer meet the criteria for selection, they shall 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:

"WITHDRAWN"

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 shall 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 shall publish a notice of the resolution in the newspaper of general circulation in Sidney. The resolution may not become effective for 14 days after the notice is published.

Gifts

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

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/1/04
Sidney School District

INSTRUCTION

Instructional Materials

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

. Enrich and support the curriculum;

. Stimulate growth in knowledge, literary appreciation, aesthetic value, and ethical standards;

. Provide background information to enable students to make intelligent judgments;

. Present opposing sides of controversial issues;

. Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;

. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

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

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

Legal Reference:  § 20-4-402, MCA  Duties of District Superintendent or County High School Principal
       § 20-7-601, MCA  Free Textbook Provision
       § 20-7-602, MCA  Textbook Selection and Adoption

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Instructional Materials Selection and Adoption

Textbooks and instructional materials, both print and non-print, are selected based upon their quality and educational value, and must contribute to a general sense of the worth of all individuals regardless of sex, race, religion, nationality, ethnic origin, disability, or any other differences which may exist.

A curriculum committee shall consist of those members in a particular department and the supervising principal. The Superintendent shall recommend to the Board for consideration and adoption all textbooks and instructional materials based upon the recommendations of the curriculum committees. The Superintendent’s recommendation to the Board shall include the following information:

- recommended texts, including the title, publisher, copyright dates, number of copies desired and cost;
- tests being replaced, publisher and copyright dates;
- rationale for recommendation; and
- selection method

Legal Reference: § 20-7-602, MCA Textbook Selection and Adoption

Procedure History:
Promulgated on: 11/9/98
Revised on:
Copyright Compliance

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 using of audio, visual or printed materials and computer software, unless the copying or using 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.

While the District encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District staff to abide by the District's copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for District staff to violate copyright requirements in order to perform their duties properly. 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 the District's procedures or is permissible under the law should contact the Superintendent. He will assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required.


Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Learning Materials Review

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

A formal request to remove an item from the school or limit its use must be in writing and will be acted upon by the Superintendent, in cooperation with the building principal. A spokesperson for each side of the issue will be heard by the Superintendent if requested. A written decision will be delivered to the complainant within 40 school days. Any appeal of this decision must be delivered to the trustees Curriculum and Policy Committee within 14 calendar days. The Board as a whole will make the final decisions on appeals.

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/12/99
Field Trips, Excursions and Outdoor Education

The District recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Field trips can provide learning experiences in an environment beyond the classroom, supplementing and enriching the instructional program. Field trips may also result in lost in-class learning opportunities. The Board endorses field trips when educational objectives achieved by the trip clearly outweigh any lost in-class learning opportunities.

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

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

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

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

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/05
Field Trips, Excursions, and Outdoor Education

All field trips require administrative approval. With exceptions as noted elsewhere in this procedure, out-of-country field trips must have specific approval from the Board. All travel will be provided by the District or by commercial carrier except as noted elsewhere in this policy.

The following procedures shall apply:

Day Field Trips

1. Staff members requesting a one day field trip shall submit a completed field trip request form to the principal at least three weeks prior to the field trip. This form shall include a list of instructional objectives as well as a list of pre and post learning activities. The principal will approve the field trip based on his/her assessment of the cost/benefit of the trip. All field trip requests will then be forwarded to the Superintendent for his/her final approval.

2. The sponsoring staff member is responsible to coordinate all activities related to the field trip. This includes ordering and confirmation of the bus, contact with the site to insure maximum learning opportunities, assessing all activities related to the site for safety, and for providing adequate supervision.

3. Adequate supervision will typically be defined in the elementary school as one adult supervisor for every ten students. At the middle school and senior high, at least two adult supervisors will be provided for each bus except where additional supervision is necessary. Buses with fewer than 25 students will require one adult supervisor.

Overnight Field Trips

1. Staff members requesting overnight field trips must submit a written plan to the principal, including purposes of the trip, supervision, proposed itinerary, estimated cost, housing and funding sources. This plan must be submitted at least six weeks prior to the proposed date of the trip and before the trip is discussed with students or parents. Failure to have the trip approved prior to contact with students or parents will result in the trip being disapproved.

2. If students are housed in private homes, they are to be assigned in those homes in pairs or in threes. If any transportation such as to and from a private home is provided by private automobile, such arrangements must be noted on a form signed by the parents which gives permission for the student to travel in these private automobiles.

3. After approval by the principal, the proposal should be submitted to the Superintendent for his/her approval of at least four weeks prior to the date of the trip.
4. The approval of the trip will depend on the amount of school time lost, value of the learning objectives, and planning, organization and supervision of trip.

Out-of-State Trips

While the District recognizes the importance and value of some out-of-state trips, it also recognizes that the necessity of funding the regular and basic instructional programs first. The District believes that, in general, out-of-state trips for organized clubs and activities should not be paid from District funds. Groups may elect to participate in fund-raisers which with individual student contributions will cover costs. The District does not fund the attendance of individual student's attendance at any out-of-state activity.

Exceptions to the above will be as follows:

1. When a group, individual or organization submit through the regular budget building process, requests for an out-of-state trip, that request will be given consideration as for any other budget item.
2. When an activity group or school club is, through local competition, able to qualify for out-of-state competition, and when there's no possible method that the group could, due to time constraints, raise funds, that activity may be funded from the general fund budget.

The following will be considered in determining the approval of out-of-state trips:

Whether the trip

... is an extension of the academic program or is solely extra-curricular in nature
... is the result of successful competition at the local or state level
... is a logical stepping stone of local competition
... is something directly related to the instructional process
... causes minimal loss of school time
... costs are within available budgets

Procedure History:
Promulgated on: 11/9/98
Revised on:
Controversial Issues and Academic Freedom

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

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

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

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

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

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Religious Beliefs and School Activities

The instructional program of the District shall respect the right of each individual's belief. Any discussion or study of religion or other beliefs shall be offered in a fair and objective manner, consistent with learning objectives and must be free from sectarian or denominational influence.

The District may provide for a religious instruction released time program under which a pupil may be released for up to two hours per week upon written request of the parent(s) or guardian except that no such program shall take place in public school property. Such release shall not adversely affect the pupil's attendance.

An employee of the District shall refrain from taking advantage of his position to proselyte any student in any sectarian, agnostic, or denominational belief on District property, and shall conform to all related constitutional and statutory requirements.

Proselyting of students for religious purposes in any form--written or verbal--will not be allowed.

Legal Reference: Art XI, Sec. 5, Montana Constitution - Freedom of religion
Art X, Sec. 2 Montana Constitution - Nondiscrimination in education
§ 20-1-308, MCA Religious Instruction released time program
§ 20-7-112, MCA Sectarian publications prohibited and prayer permitted

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Religious Beliefs and School Activities

It is recognized that some students hold religious beliefs which do not allow them to participate in some school activities such as parties, the Pledge of Allegiance, dancing and other festival events. In order to assist the teacher, the following shall be used as a guide:

1. All students are expected to attend school days when activities occur in which they may not wish to participate. Students may be excused from that portion of the day that is unacceptable to them without penalty. Students are responsible for those learning outcomes which are required as a part of the course.

2. Teachers are not responsible to assure that student behavior is congruous with the parent's wishes.

3. If nonparticipating students are in the classroom during an unacceptable activity, they are to stay in the classroom unless prior arrangements have been made.

4. Under no circumstances is a non-participating student to be singled out.

Those students who are released to receive religious instruction under policy 2332 shall not be counted absent.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Health Enhancement

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

The Board believes HIV/AIDS and other STD 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’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’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’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 education program, before it is presented to students.

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/06
Advancement Requirements (9-12)

The District has established a set of advancement requirements for 9-12 grade students that will serve as a guide in helping students move methodically and purposefully on a course that will eventually lead to high school graduation. Therefore, the following advancement requirements are required in the Sidney Public School system:

1. To advance to the 10th grade, students must earn at least 5 credits in their 9th grade year.

2. To advance to the 11th grade, students must have earned a combined total of 10 credits from their 9th and 10th grade years.

3. To advance to the 12th grade, students must have earned a combined total of 15 credits from their 9th, 10th and 11th grade years.

4. Students who have failed one or more courses may get credit for that course by retaking it during the summer if summer remediation is offered by the District.

Policy History:
Adopted on: 11/9/98
Revised on:
High School Graduation Requirements

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

The Board shall establish graduation requirements which, as a minimum, satisfy those established by the Board of Public Education (10.55.904 & 905, ARM). Generally, any change in graduation requirements promulgated by the Board will become effective for the next class to enter 9th grade. Exceptions to this general rule may be made where it is determined by the Board that the proposed change in graduation requirements will not have a negative effect on students already in grades 9-12. The Board shall approve graduation requirements as recommended by the Superintendent.

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

A student who possesses a disabling condition shall satisfy those competency requirements which are incorporated into the individualized education program (IEP). Satisfactory completion of the objectives incorporated into the IEP shall serve as the basis for determining completion of a course.

A student may be denied participation in graduation ceremonies. Such exclusion shall be regarded as a school suspension. In such instances, the diploma will be awarded after the official ceremony has been held.

Legal Reference: § 20-5-201, MCA Duties and Sanctions
10.55.904, ARM Basic education program offerings - high school
10.55.905, ARM Graduation requirements
10.55.906, ARM Credit

Policy History:
Adopted on: 11/9/98
Revised on:
Publication of Graduation Requirements

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

Credits

Students shall be expected to earn a total of 22 units in order to complete graduation requirements. Special education students who have successfully completed their IEP leading to completion of high school will be awarded a diploma.

Waiver of Requirement

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

Alternative Programs

Credit toward graduation requirements may be granted for planned learning experiences such as summer school and university courses.

A proposal for approval of out-of-school learning activities shall be submitted to the principal prior to the experience, shall be at no additional cost to the District, and shall include at least the following information:

1. Name of program;
2. Length of time for which approval is desired;
3. Objectives of the program;
4. Description of how credits shall be determined;
5. Content outline of the program and/or major learning activities and instructional materials to be used;
6. Description of how student performance will be assessed;
7. Qualifications of instructional personnel; and
8. Plans for evaluation of program

In addition, the application must apply to all aspects of Montana School Accreditation Standards and Procedures Manual.
Credit for work experience may be offered when the work program is a part of and supervised by the school.

Credit may be earned through an accredited university correspondence school under the supervision of the head counselor or his designee. (Credit will not be allowed for early graduation.)

A student may re-take a course previously taken and passed. In this case the first grade received will be the official grade. The other grade and course will be left on the transcript and will be figured into the student's grade point average. The credit will be changed to a zero. The other course will not count towards graduation. Students must receive prior approval from the counseling center to re-take a course.

Honor Roll

Four Honor Rolls per year are published using nine week grades. The minimum Grade Point Average (GPA) for inclusion on the Honor Roll is 3.00. In order to be eligible for the Honor Roll a student must carry at least four courses that qualify for GPA calculation.

Class Rank (Grade Point Average)

Class Rank is compiled from semester grades. All courses taken shall be considered when compiling class rank. Only those students who participate in the Honors Curriculum will be eligible for the Valedictorian and Salutatorian award.

Early Graduation

In accordance with provisions of § 20-9-313, MCA, the Board hereby authorizes the high school principal to grant permission to students who have completed the minimum requirements for graduation after completion of the seventh (7th) semester. Any student seeking to graduate early must follow the following procedure:

a. All applications must be submitted to the Board by the October Board meeting of the school year in which the student wishes to graduate. Applications must be in writing and countersigned by parents or guardians.

b. Students must pass the math competency test customarily given in the spring of junior year.

c. All applications must be accompanied by a recommendation from the high school principal.

d. Reasons considered for early graduation shall include:
Graduation Ceremonies

The responsibility of the District, upon the student's completion of the requirements for graduation, is to issue a proper diploma to each graduate. Participation in the actual graduation ceremony is not a requirement.

Graduation ceremonies will be conducted in the following manner:

1. Each student who participates will purchase or rent the proper cap and gown as designated by the school administration and the class advisor and officers.
2. Caps and gowns will be worn in the proper manner, as designated by the school administration and class advisor.
3. Students who participate will be expected to use good taste in their choice of accessories for their attire.
4. Students who participate will be expected to cooperate with the class advisor and to participate in all parts of the graduation ceremonies.
5. Failure to comply with the above requirements will automatically forfeit a student's privilege of participation in the graduation ceremonies.

Participation in graduation ceremonies is a privilege extended to students. Students may be denied the right to participate.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Credit Transfer/Assessment for Placement

Grades 9-12

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

The credit evaluation committee will:

(1) document that the student has spent approximately the same number of classroom hours in the home school as would have been spent in a regular class in the Sidney Schools;
(2) document that the student followed a curriculum which is essentially similar to that in the course for which they are requesting credit;
(3) document that in the event of a credit request in a lab, industrial arts or music course, the equipment and facilities were sufficient to meet the required learning activities of the course;

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

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

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

Grades 1-8

Requests from parents of students in non-accredited non-public schools for placement in the District school system will be evaluated by an assessment for placement team. That team will consist of the school principal and one teacher of the grade in which the student is being considered for enrollment.

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 non-public 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;
4. that the child achieved an NCE score of 40 or above on the Standard Achievement Test. The District is not obligated to provide instructional materials for other public or private schools.

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

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Grading and Progress Reports

The District believes that the cooperation of school and home is a vital ingredient in the growth and education of the student and recognizes the 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 the basis for continuous evaluation of the student's performance and determining changes that should be made to effect improvement. These reports shall be designed to provide information that will be helpful to the student, teacher, counselor and parent.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Grading and Progress Reports

**Elementary Schools**

Report cards will be sent home every nine weeks. These reports will include information relative to the student's academic achievement, days absent, social behavior and attitudes toward school. Parent and teacher conferences will be held twice each year in addition to report cards.

In kindergarten and the first semester of first grade, “S” will be used to indicate satisfactory performance; “U” will indicate unsatisfactory performance; “N” will be used to indicate needs improvement; and “I” will be used to indicate improving performance. In the second semester of first grade through sixth grade, letter grades of A, B, C, D and F will be given according to the following scale:

- A = 94-100
- B = 86-93
- C = 78-85
- D = 70-77
- F = 69-0

**Middle School**

In the middle school report cards will be sent home to parents every nine weeks. These report cards will include information relative to the student's academic achievement, days absent, social behavior and attitude towards school. With the exception of physical education and library where "S's" and "U’s" will be given, letter grades of A, B, C, D and F will be given with each teacher determining the appropriate grading scale.

Plus or minus may be added by the teacher to indicate degrees of success.

**High School**

Report cards will be issued every nine weeks. Grades will be:

- A = Superior
- B = Above average
- C = Average
- D = Below average
- F = Failing
- I = Incomplete
The calculation of the grade point average will be as follows:

A = 4  
B = 3  
C = 2  
D = 1  
F = 0

Calculation of grade point average will include all courses.

**Resource Room Students**

Grades given to students in resource rooms will be given based on the student's relative ability.

**Procedure History:**
Promulgated on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Promotion/Retention

Placement, promotion, or retention shall be made in the best interests of the student after a careful evaluation of the advantages and disadvantages of alternatives.

When any alteration in a student’s normal progression through school is contemplated, all factors must be considered. Quantitative measures such as age, physical size, ability, and level of academic achievement shall be supplemented by a qualitative assessment of the student’s motivation, self-image, and social adjustment. Students shall not be promoted for purely social reasons.

Retention should not be considered except in those instances where there is a strong likelihood the student will benefit with minimum social and emotional disruption. No student will be retained, unless the staff has considered and eliminated disabling conditions as a causing factor.

The final decision for promotion or retention is left to the discretion of the teacher and principal of the school.

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

INSTRUCTION

Promotion/Retention

In order to insure the best decisions are being made regarding a kindergarten through eighth grade child's potential retention, the following guidelines are to be used:

1. A comprehensive review of the various factors affecting the child's school performance must be made.

2. The procedures to be followed regarding a child retention possibility are:
   
   a) teacher informs principal of situation and provides evidence of failure - principal and teacher initiate review of factors relative to retention and explore constructive alternatives for remediation;
   
   b) teacher contacts parent and informs them of child's status - teacher and parent determine specific constructive efforts which are identified to remediate the child's situation;
   
   c) teacher awareness that child continues to fail (retention possible);
   
   d) teacher relates through the report card and other types of reports the actual performance of the child;
   
   e) parental contact is made by the teacher and a conference is called - those to participate in the conference (child study team) are teacher, parents, principal and other resource personnel, as well as the child, if appropriate - this should occur during 3rd quarter - besides a review of the child's performance, a detailed review of the factors relative to retention is to be made;
   
   f) principal, teacher, parent are to arrive at a decision relative to retention by the 8th week of the 4th quarter - maximum utilization is to be made of the factors relative to retention.

If the decision is made to retain, then the child study team must consider constructive support and alternative programs as part of their recommendation. Such support programs as Title I, special education, counseling, peer tutoring, Indian education tutoring, use of aides or adult volunteers, college field experience personnel, rescheduling (different teacher, different approach) and extended time (before school, after school, recesses, etc) are feasible alternatives for assisting the child and must be considered in the decision.

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/1/05
Homework

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

INSTRUCTION

Recognition of Native American Cultural Heritage

The District acknowledges the constitutional recognition of the distinct and unique cultural heritage of Native Americans.

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

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.

Legal Reference:  
Art. X, Sec. 1(2), Montana Constitution  
§§ 20-1-501, et seq., MCA  
10.55.603 ARM  
10.55.701 ARM

Policy History:  
Adopted on: 7/01/06  
Revised on:
Limited English Proficiency Program

In accordance with the Board’s philosophy to provide a quality educational program to all students, the District shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program is to increase the English proficiency of eligible students, so they can attain academic success. Students that have limited English proficiency (LEP) will be identified, assessed, and provided appropriate services.

The Board shall adopt a program of educational services for each student whose dominant language is not English. The program shall include bilingual/bicultural or English as a Second Language instruction.

The Superintendent or his/her designee shall implement and supervise an LEP program which ensures appropriate LEP instruction and complies with applicable laws and regulations.

The Superintendent or his/her designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the LEP program, including:

1. Program goals.
2. Student enrollment procedures.
3. Assessment procedures for program entrance, measurement of progress, and program exit.
4. Classroom accommodations.
5. Grading policies.
6. List of resources, including support agencies and interpreters.

The District shall establish procedures for identifying students whose language is not English. For students whose dominant language is not English, assessment of the student’s English proficiency level must be completed to determine the need for English as a Second Language instruction.

Students whose dominant language is not English should be enrolled in the District, upon proof of residency and other legal requirements. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the District.
Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.

The LEP program shall be designed to provide instruction which meets each student’s individual needs based on the assessment of English proficiency in listening, speaking, reading, and writing. Adequate content-area support shall be provided while the student is learning English, to assure achievement of academic standards.

The LEP program shall be evaluated for effectiveness as required, based on the attainment of English proficiency, and shall be revised when necessary.

At the beginning of each school year the District shall notify parents of students qualifying for LEP programs about the instructional program and parental options, as required by law. Parents will be regularly apprised of their student’s progress. Whenever possible, communications with parents shall be in the language understood by the parents.

The District shall maintain an effective means of outreach to encourage parental involvement in the education of their children.

Legal Reference: Title VI, Civil Rights Act of 1964
Equal Education Opportunities Act as an amendment to the Education Amendments of 1974 Bilingual Education Act
20 U.S.C. §§ 7401, et seq., as amended by the English Language Acquisition, Language Enhancement, and Academic Achievement Act
Title III, §§ 3001-3304 of HRI, No Child Left Behind Act of 2001, P.L. 107-110

Policy History:
Adopted on: 7/1/03
Revised on:
Sidney School District

INSTRUCTION

School Wellness

The Sidney Public School District is committed to providing school environments that promote and protect children’s health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Sidney Public School District that:

Once the federal government provides sufficient personnel and funding to implement this policy the school district will:

- Engage the K-8 school community in reviewing district-wide nutrition and physical activity policies and procedures.
- Provide all students in grades K-8 with an opportunity to be physically active.
- Assure foods and beverages sold or served at K-8 schools will be age appropriate.
- Reaffirm that the School Lunch Program will provide K-8 students with access to nutritious foods.
- Guarantee all K-8 schools in the district participate in the federal school lunch program.
- Provide nutrition education and physical education to K-8 students.

The Superintendent or his/her designee will develop procedures based on the following five (5) areas of requirement.

a. Nutrition Education Goals
b. Physical Activity Goals
c. Nutrition Standards for all Foods and Beverages
d. Other School-Based Wellness Activities
e. Governance and Evaluation

It is the belief of the Sidney Public Schools, in the context of Montana State accreditation standards, that an overzealous federal government is more burdensome to our students than poor nutrition and that graduating students, in accordance with accreditation standard 10.54.7095 (d), should thoroughly analyze, evaluate and articulate opinions regarding personal and social health issues. Therefore, students in grades 9-12 will be encouraged to think for themselves and make their own decisions without federal guidance or interference.


Policy History:
Adopted on: September 11, 2006
Revised on:
SIDNEY SCHOOL DISTRICT

3000 SERIES

STUDENTS

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Entrance, Date, and Age

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

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. Homeless students shall be admitted pursuant to state and federal law, and Policy 3125.

2. To be admitted to District schools, in accordance with the Montana Immunization Law, a child must have been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (except that pertussis vaccination is not required for children seven (7) years or older). Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.

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.

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.

Secondary Grades (9-12) Credit Transfer: A transfer of credits from any secondary school is subject to a satisfactory examination of the following:

1. Appropriate certificates of school accreditation;
2. Length of course, school day, and school year;
3. Content of applicable courses;
4. School building as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction);
5. Appropriate evaluation of student performance leading toward credit issuance.

The District will follow Montana Accreditation Rules and Standards, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Superintendent or the Board.

Legal Reference:

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

Policy History:
Adopted on: 03/09/98
Reviewed on:
Revised on: 7/1/08
Sidney School District

STUDENTS

Compulsory Attendance

Parents are responsible for seeing that their children of age 7 or older prior to the first day of school attend school, until the later of the following dates:

1. The child's 16th birthday;

2. The date of completion of the work of the eighth grade.

Parents shall enroll the student unless the student is:

1. Provided with supervised correspondence or home study;

2. Excused because of determination by a district judge that attendance is not in the best interests of the child;

3. Enrolled in a non-public or home school.

4. Enrolled in a school of another district or state under the tuition provisions of this title.

5. Excused by the Board upon a determination that such attendance by a child who has attained the age of 16 is not in the best interest of the child and the school.

Legal Reference:

§ 20-5-101, MCA  Attendance of child to school
§ 20-5-103, MCA  Compulsory enrollment and excuses
§ 20-5-108, MCA  Tribal agreement with District for Indian child attendance
§§ 20-5-104, MCA  Attendance Office

Policy History:
Adopted on: 11/9/98
Revised on:
Enrollment and Attendance Records

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

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

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

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

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

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

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

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

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

- Enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district; or

- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under § 20-9-707, MCA.
• A resident of the District attending a Montana youth challenge program under an interlocal agreement with the district under §20-9-2-707, MCA.

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

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

Policy History:
Adopted on: 7/01/06
Revised on: 7/01/08, 7/01/09
**Sidney School District**

**STUDENTS**

Enrollment and Attendance Records

**Average Number Belonging**

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

For a child to be counted for ANB purposes:

a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;

b) Attending 181 to 359 aggregate hours = One-quarter time enrollment

c) Attending 360 to 539 aggregate hours = One-half time enrollment

d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment

e) Attending 720 aggregate hours or more = Full-time enrollment

Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year may not be included for ANB purposes.

**Homebound Students**

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

- is enrolled and is currently receiving organized and supervised pupil instruction;
- is in a home or facility which does not offer a regular educational program; and
- has instructional costs during the absence, which are financed by the District’s general fund.

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

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

On the first (1st) Monday in October and on February 1st (or the next school day if those dates do not fall on a school day), the number of all enrolled students (whether present or absent) by grade level and class will be recorded on the forms provided by the District. Special education children who are enrolled in special programs sixteen (16) hours or more a week will be listed separately. The Director of Special Education should be contacted to verify this count. Monthly student counts of enrolled children by grade and classroom will be provided by the office.

Legal Reference: 10.20.102, ARM Calculation of Average Number Belonging (ANB)
20-1-101, MCA Definitions

Procedure History:
Promulgated on: 7/01/06
Revised on:
Sidney School District

STUDENTS

Attendance Policy - Grades K-12

The District is committed to the tenet that every student should attend school every day; and that poor attendance results, not only in a loss of valuable instruction time, but creates lifelong behavior patterns which could dramatically influence a student’s career success.

Regular attendance and promptness are expected and essential for success in school. Section 20-5-103, MCA, specifies the requirements for compulsory attendance in school. It requires parents and guardians who are responsible for the care of school-age children to enforce attendance to the school in which the child is enrolled.

The District believes that regular attendance is primarily the responsibility of parents and, to a lesser extent, students, depending on their age.

Because of the District’s commitment to good attendance, the trustees hereby instruct the Superintendent to develop procedures which implement good attendance patterns.

Policy History:
Adopted on: 11/9/98
Revised on:
Grades K-8

The primary responsibility for good attendance for students in Grades K-8 rests with the parents. Parents are required under § 20-5-103, MCA, to assure that their children attend school regularly. The District recognizes the importance of monitoring the parental responsibility for their child’s attendance. Further, the District is committed to taking whatever action is necessary, up to and including legal action, to assure that students attend school regularly.

Reporting Student Absences

When a student must be absent for illness or other unforeseen emergencies, parents must inform the school of the reasons for the student’s absence by 9:00 a.m. on the day of the absence. If the student is not present, and the parent has not notified the school of the absence, the school will attempt to call the parent by 11:00 a.m. the same day. The fact that the school will attempt to call the parent does not relieve the parent of the responsibility to call the school to report their child’s absence.

Excused Absences and Tardies

In cases where doubt occurs concerning the validity of an excuse, the administration may require verification of medical conditions contributing to the absence. In the event the principal determines an absence or tardiness is unnecessary, the absence will be considered unexcused. The administrator may request that parents communicate directly to him/her regarding the reason for the absence or tardiness. The school secretary will maintain a record of the nature of student absence for school use purposes. A permanent record will also be maintained. It will include a record of the student absences and tardies.

Absence/Student Performance

Once the teacher observes that the student’s absences or tardiness are having an adverse effect on the student’s progress, he/she will make parental contact to express concern and to explain the problem. If the absences have been unavoidable because of illness, bereavement or other reasons, the teacher will request a meeting to develop a plan so that the absenteeism has minimal effect on the student’s academic success. In the event that reasons for absences have been questionable, the teacher will explain that the student will not get credit for work missed during those unexcused absences. Additionally, the teacher will not be required to provide make-up work. Absences and excessive tardiness may be a significant factor in decision of retention.

Dealing with Excessive Absences

Parents who allow students to be absent from school without a proper excuse may be reported to
the District Attendance Officer. Before making that report, however, the principal shall comply with the following administrative procedures:

1. In the event a student has 10 excused or unexcused absences per semester, the principal or designee will document contacts with the parent regarding attendance, including telephone calls, written communications and meetings. Documentation should include times, dates, and the matters discussed.

2. After 10 absences per semester, the principal or designee will send a letter to the parent calling attention to the consequences of poor attendance on school achievement. The letter will include a copy of the District attendance policy and a copy of the student’s attendance record.

3. After 15 absences per semester, the principal will send a second letter to the parent expressing concern about the student’s poor attendance, and establishing a meeting with the parent and teacher to discuss the student’s attendance patterns. The letter will require the parent to respond within 5 days. The letter will also explain that the principal may be filing a complaint of neglect with the Department of Family Services and Youth Probation. Copies of this letter will be sent to the District Attendance Officer. This letter will be sent certified mail.

4. If after 5 days after the mailing of the second letter, the parents or legal guardian have ignored communications, and if attendance has not resumed, the principal shall send a letter requesting the involvement of the District Attendance Officer to secure the student’s attendance in school. Copies of this letter will be sent certified to the parent. Copies will also be sent to the Department of Family Services and/or Youth Probation.

5. When the school principal or designee has exhausted all procedures described in this policy to secure the attendance of the student, he/she shall enlist the assistance of the District Attendance Officer.

6. The District Attendance Officer shall serve the student’s parents or legal guardian with the required written two days’ notice as prescribed in § 20-5-106, and begin an investigation in the case. If the parent does not comply with the revisions of the notice, the District Attendance Officer shall submit a request for prosecution to the Richland County Attorney. The request shall contain a written report of the investigation, supporting documents, and a list of witnesses, including names, addresses, and work and home telephone numbers. The documentation must show evidence that the administrative procedures of the school district and statutory procedure of the attendance officer have been followed. Documentation shall include all efforts taken by the District to solve the problem with the student and the parents.
7. In the case of the student who resumes the poor attendance pattern following the two-day written notice to parents, and who once again becomes truant, the District shall not be required to exhaust its administrative procedures for dealing with the problem before the student is again turned over to the District Attendance Officer.

8. When appropriate, the Board shall, upon recommendation of the Superintendent, consider expulsion for chronic truants.

Grades 9-12

Sidney High School is committed to the philosophy that every student should attend every class, every day. Regular attendance and promptness are expected in all classes and are essential for success in school. Learning to participate in group discussions, developing an appreciation for the views and abilities of other students, and forming the habit of regular attendance are legitimate objectives for any course. Learning that is lost due to absence can never be adequately replaced. The following definitions apply to this procedure:

1. **Excused Absences**: This type of absence has been pre-approved by a parent or legal guardian.

2. **Activity-related Absences**: Students and parents need to carefully consider the number of days that will be missed when a student elects to take part in an activity. All work that is missed will have to be made up to gain the necessary skills taught in the course.

3. **Truancy**: This type of absence takes place without the pre-approval of a parent or legal guardian. It should be noted that if a student misses a class to remain in school to complete work for another class, that the absence will be regarded as a truancy, even if it has parental or legal guardian approval. Work missed during a truancy cannot be made up.

4. **Suspension**: If it becomes necessary to suspend a student from attendance, the work missed during the suspension cannot be made up.

Procedure

1. Absences and tardies will be marked by the teacher or the study hall supervisor, and recorded in the attendance office.

2. Parents may notify the school when they know their student will be missing class(es) or study halls. Notification should be received within a reasonable period of time.
3. Letters notifying parents or legal guardians of student absenteeism will be sent home on a regular basis. Telephone calls will be made each day of an absence, and concerns regarding attendance will be noted when report cards and comments are sent to the home. Parents or legal guardians are encouraged to call the attendance office if questions arise.

4. Once the teacher observes that the student’s poor attendance and/or excessive tardiness is adversely affecting the student’s progress or grades, or is disruptive to the class, teachers are to make a parental contact to express their concern and to discuss the problem. At this point, teachers or study hall supervisors may confer with the student and assign detentions.

5. After the teacher has made the parental contact, if the attendance or tardiness has not improved, the teacher should inform the appropriate administrator.

6. Once the administrator has been alerted by the teacher, he/she will then determine the appropriate measure to take. Such measures include, but are not limited to the following:

   (a) conference with student;
   (b) conference with student and parents or legal guardian;
   (c) detention;
   (d) suspension from school;
   (e) referral to judicial system.

7. The administration may take the above disciplinary steps at any time, if a student is a blatant non-attender, who loiters in the building on or near the campus when he/she should be in class.

8. Parents or legal guardians may request a conference with the building administrator to discuss decisions pertaining to the attendance policy. Such a request must be made within a period of one week following a notification of a decision or a pending decision.

Make-up Procedures

Students are absent from school for a number of legitimate reasons. Make-up privileges are not granted to students who have been suspended from school or have unexcused absences from the class. It is the policy of this school that the student, parent or legal guardian, and teacher work together to complete school work due to activity-related absences or excused absences. It is the student’s responsibility to initiate and follow through with the work’s completion. To assist in this effort, the following guidelines are presented:
1. Students are encouraged to make up missed assignments as soon as possible. The teacher and student should set up a mutually agreeable schedule to complete make-up work.

3. In certain circumstances, the teacher may alter assignments to be made up. In other circumstances, the teacher may not require make-up. Should this be the case, the excused assignments will not be counted toward the marking period grade.

4. A student absent only on the date of a quiz/test should be prepared to take it the next day. The teacher may choose to administer it at a later date. Similarly, a student absent on the due date of a pre-announced assignment is expected to be prepared to turn in that assignment on the first day back.

5. Pre-announced special assignments, tests, quizzes, and homework are due on the day scheduled, even if a student is absent the day before the assignment is due.

6. If a major assignment is due on a specific day, and a student is present any part of that day, then the student is responsible for insuring that the major assignment is turned in to the teacher on the due date.

7. Help with make-up work, quizzes, tests, lab work and projects that require special equipment may need to be scheduled outside the student’s regular class period.

8. Each teacher will supply the students with a statement at the beginning of each course regarding make-up tests, homework and assignments and the time they are available for assistance.

9. Students who expect to be absent for more than 3 days are advised to request homework assignments from the teacher by calling the main office. Please allow 24 hours for the teacher to be contacted and the work collected, so that the instruction schedule will not be interrupted. It is the parent or legal guardian/student responsibility to arrange for the work to be picked up.

10. A student with a pre-arranged absence is expected to see his/her teacher one week prior to departure to request assignments. Unless there are extenuating circumstances, assignments covered during a pre-arranged absence are due upon the student’s return. It is the student’s responsibility to make special arrangements with the teacher prior to departure if he/she wishes to have these requirements changed. While teachers will provide the student with necessary assignments, teacher assistance in completing these assignments is not mandatory.

11. Following these guidelines will assure proper credit.

**Summary of Responsibilities**

**Students:**

1. to attend class regularly, only missing a class when a parent is aware that the absence is due to illness or other emergency;
2. to be in class when the tardy bell rings;
3. to be knowledgeable of the make-up policy in each of his/her classes;
4. to obtain the make-up work and needed instructional help upon returning after an absence;
5. to schedule all medical and other appointments outside of school time whenever possible;
6. to avoid missing one class to complete work for another class.

Parents or Legal Guardian:

1. to instill in their student the importance of attendance;
2. to insure to the best of their ability that their student is in attendance regularly;
3. to avoid taking the student out of school for appointments, trips and vacations;
4. to call the school (preferably on the day of the absence) when they are aware that their student is absent;
5. to work with teachers and administrators to promote good attendance patterns for their student.

Teachers:

1. to keep daily records of absences and tardies;
2. to make parental contracts regarding excessive absences or tardies;
3. to refer the student to the administration if the parental contact does not solve the problem;
4. to communicate in writing to the student, parent or legal guardian, and administration:
   (a) the make-up procedure for the class;
   (b) the manner in which the grade for the class will be earned.
5. to provide opportunities for make-up work when the student is absent unless the absence is due to suspension or truancy.

Administration:

1. to monitor the halls for non-attenders and for students who are habitually late for class.
2. to take appropriate disciplinary measures (detailed above) when a student with excessive absences or tardies has been reported by a teacher;
3. to monitor attendance reports identifying and conferencing with students whose attendance patterns are cause for concern;
4. to work closely with teachers and parents to help the student to develop positive attendance patterns.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Education of Homeless Children

Each child of a homeless individual and each homeless child has equal access to the same free, appropriate public education as provided to other students. The trustees must assign and admit a child who is homeless to a school in the District regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The trustees may not require an out-of-District attendance agreement and tuition for a homeless child.

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

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

I. Transportation services;
II. Educational services for which the student meets eligibility criteria (e.g., Title I);
III. Educational programs for children with disabilities and limited English proficiency;
IV. Programs in vocational and technical education, as well as programs for gifted and talented students; and
V. School nutrition program.

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

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

A complaint regarding the placement or education of a homeless child shall first be presented orally and informally to the District’s homeless liaison/coordinator. Thereafter a written complaint must be filed in accordance with the District’s Uniform Grievance Procedure.

Note: This policy is required for a district receiving federal funds under Title I.

Cross Reference: 3215 Uniform Grievance Procedure


Policy History:
Adopted on: 7/1/03
Revised on:
Sidney School District

STUDENTS

Students of Legal Age

Every student 18 years of age or older will be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, will comply with the rules established, pursue the prescribed course of study, and submit to the authority of teachers and others in authority over them.

Policy History:
Adopted on: 11/9/98
Revised on:
Discretionary Nonresident Student Attendance Policy

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

1. Except as provided by law, admission to the District as a nonresident student is a privilege, unless required by §20-5-321, MCA. As such, the District will screen all discretionary nonresident students and only consider those who meet the criteria set forth in this policy.

2. The Superintendent is hereby given the authority to recommend to the Board any student's admission in accordance with this policy. The Board shall make the final decision on admission.

3. All students whose legal residence is outside of the District and who do not qualify for mandatory attendance will be denied enrollment, with the following exceptions:

   A. Foreign exchange students, per existing District policy;
   B. Children in the immediate family of nonresident District employees;
   C. Students residing outside the District provided they:

      * be in good standing with the most recently attended school in terms of academics, conduct, and attendance;
      * be able to demonstrate a record free of truancy;
      * be able to demonstrate a clean behavior record in the school last attended for a period of at least one (1) year.
      * have passing grades in the school previously attended;
      * have correctly completed the nonresident student application process; and
      * present no other educationally related detriment to the students of the District.

4. The Board will not admit any student prior to viewing that student’s records from the student’s previous school districts.

5. The District has the option of accepting a nonresident student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District.
6. Every student who attends the District as a nonresident student must re-apply for admission by June 15. Admission in one school year does not imply or guarantee admission in subsequent years.

7. The District will not admit nonresident students, when to do so would require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes.

8. All resident students who become nonresidents due to a move from the District by their parents/guardians may continue attendance for the semester, barring registration in another District. At the completion of the semester, the student must apply as a nonresident student.

9. The Board reserves the right to charge tuition for nonresident students. The Board may, in its discretion, charge or waive tuition for all students whose tuition is required to be paid by one type of entity. An “entity” is defined as either: (1) the parent/guardian; or (2) a school district. Any waiver of tuition must be applied equally to all students whose tuition is paid by the same type of entity (i.e., if the District charges students tuition in those circumstances where the resident district pays, but waives tuition in those circumstances where the parent/guardian is responsible for tuition, the tuition waiver shall be applicable to all students whose parents/guardians bear the responsibility for payment).

10. All nonresident students will be considered ineligible transportees for school transportation services (20-10-101, MCA).

11. The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from the schools.

12. Any student who is expelled from another school district will not be admitted to the District without prior approval by the Board.

Legal Reference:

§ 20-5-314, MCA Reciprocal attendance agreement with adjoining state or province
§ 20-5-320, MCA Attendance with discretionary approval
§ 20-5-321, MCA Attendance with mandatory approval - tuition and transportation
§ 20-5-322, MCA Residency determination - notification - appeal for attendance agreement
§ 20-5-323, MCA Tuition and Transportation rates
10.10.301B, ARM Out-of-district attendance agreements

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02
Sidney School District

STUDENTS

Foreign Exchange Students

It is the policy of the Board to recognize the benefits from nonimmigrant students in the District. The Board does not, however, sponsor student foreign exchange programs. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend either elementary or secondary school. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend Sidney Public Schools.

The Board reserves the right to withdraw approval and regulate the number of students participating. Students meeting the graduation requirements of the District will be allowed to graduate but will not be considered for the Valedictorian or Salutatorian award.


Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Part-Time Attendance

Non-disabled students eligible to enroll in grades K-8 will not be accepted for part-time enrollment in the District schools. Students 9 - 12 requesting part-time enrollment will be reviewed on a case-by-case basis and the final decision lies with the high school principal.

The criteria for acceptance of non-disabled part-time students grades 9-12 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 the part-time 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)

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Student Rights and Responsibilities:

All students are entitled to enjoy the rights protected by the Federal and State Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Cross Reference: 3231/3231P Searches and Seizure
            3310 Student Discipline

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

Policy History:
Adopted on: 11/9/98
Revised on:
Equal Education, Nondiscrimination and Sex Equity

Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parental status or status as a homeless child. Any student may file a discrimination grievance using the procedure that follows this policy.

No student shall, on the basis of sex, 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. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

In compliance with federal regulations, the District will notify annually all students, parents, staff, and community members of this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator and will be carried in all handbooks.

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence because of disability against students, staff, or volunteers with disabilities. The District considers this behavior to constitute discrimination on the basis of disability, in violation of state and federal law.

Legal Reference:
- Art. X, Sec. 7, Montana Constitution – Nondiscrimination in education
- § 49-2-307, MCA Discrimination in education
- 24.9.1001, et seq., ARM Sex discrimination in education
- No Child Left Behind Act of 2001 (P.L. 107-110)

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/01, 7/1/03
Equal Education, Nondiscrimination and Sex Equity

1. Definitions

A. Grievance: A complaint alleging a violation of any policy, procedure or practice which would be prohibited by Title IX, Section 504, and other federal and state civil rights laws, rules and regulations.

B. Title IX: Of the Education Amendments of 1972, the 1975 Implementing Regulations, and any memoranda, directives, guidelines or subsequent legislation that may be issued.


D. Grievant(s): A student, or a parent or a guardian of a student of the District who submits a grievance.

E. Title IX Coordinator, or Title IX/Section 504 Coordinator: The employee designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints (hereinafter “Coordinator”).

F. Ridgeway Settlement Agreement: Settlement Agreement on equity in high school interscholastic athletics in 1984 (hereinafter “Ridgeway”).

2. Basic Procedural Rights

A. The Coordinator shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints.

B. Relevant records shall be available in accordance with the Montana Constitution, Article II, Section 10, Right to Privacy and, in accordance with FERPA.

C. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies (Montana Human Rights Commission or the U.S. Department of Education, Office of Civil Rights), or to seek private counsel for complaints alleging discrimination.

D. In most instances, parents or legal guardians should be part of the hearing and resolution process. In investigations of sexual harassment, it is recommended that the grievant be accompanied by a friend, parent or advisor for support during any part of the process.
E. Intimidation, harassment or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.

F. All records pursuant to the grievance shall be maintained by the District separate and apart from student records for a period of not less than five (5) years.

G. If a grievance is taken to the Board for a formal contested case hearing, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

H. It is the policy of this District to process all grievances in a fair, expeditious and confidential manner.

3. Process

Level 1: Principal or Immediate Supervisor (Informal and optional - may be bypassed by grievant)

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

Level 2: Title IX Coordinator

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance: 2) the remedy requested, and 3) be signed and dated by the grievant. The Level 2 written grievance must be filed with the Coordinator within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence. The District may investigate and take action when a student refuses to file a written grievance.

The Coordinator has authority to investigate all grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator will prepare a written report of the investigation which shall include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.
2. A statement of the facts as contended by each of the parties.
3. A statement of the facts as found by the Coordinator and identification of evidence to support each fact.
4. A list of all witnesses interviewed and documents reviewed during the investigation.
5. A narrative describing attempts to resolve the grievance.
6. The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.
7. If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator will send a copy of the report to the grievant. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. The Coordinator and Superintendent may appoint an outside investigator.

Level 3: The Board of Trustees

If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for full contested case hearing. On receipt of the written appeal, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 4: County Superintendent

If the case falls within the parameters of Ridgeway or is otherwise within the jurisdiction of the county superintendent of schools, the decision of the Board of Trustees may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board pursuant to the Rules of School Controversy (10.6.103, et seq. ARM: see also Ridgeway).

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

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

Level 1: Informal

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

Level 2: Principal

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Principal within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the Principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the Principal’s decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the Principal’s decision. This request must be submitted to the Superintendent within fifteen (15) days of the Principal’s decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees
with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

**Level 3: Superintendent**

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Principal. The parties shall be afforded the opportunity to either dispute or concur with the Principal’s report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the Principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent’s decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

**Level 4: The Board**

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

**Level 5: County Superintendent**

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

**Procedure History:**
Promulgated on: 11/9/98
Revised on:
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, liquor, illicit drugs or drug paraphernalia.

All organizations must have the approval of the Superintendent before any materials may be distributed to Sidney Schools students or posted on District property.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Student Publications

The student publications instructor or advisor shall have the primary responsibility for supervising student publications and to determine that provisions incorporated into these procedures are met. The principal may request to review any copy prior to its publication. Such copy shall be returned to the student editors within two school days after it has been submitted for review.

Any dispute that cannot be resolved at the building level shall be submitted to the Superintendent for further consideration. When appropriate, the superintendent shall seek legal counsel. If the complaint cannot be resolved at that level, the Board, upon request, shall consider the complaint at its next regular meeting.

The District intends that there be a minimum of interference by adults in the student publication program. Students should be permitted to assume responsibility for difficult decisions which may at times produce controversy. Such publication activities must teach elements of responsible journalism, respect for others and standards of civility.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Student Dress

Students are reminded that their appearance significantly affects the way others respond to them. Matters of dress remain the primary responsibility of students, in consultation with their parents. Nevertheless, certain minimum standards shall be observed by all students. The following articles of clothing are not considered appropriate and will not be tolerated:

1. Short shorts;
2. Cutoffs;
3. Ragged clothing;
4. T-shirts with decals in poor taste and those that advertise alcohol, tobacco or drugs; and
5. other attention-attracting apparel.

The Superintendent shall establish procedures for the monitoring of student dress in school or while engaging in extracurricular activities.

Policy History:
Adopted on: 11/9/98
Revised on:
Sexual Intimidation/Harassment of Students

Sexual harassment is a form of sex discrimination and is prohibited in the district. An employee, District agent, or student engages in sexual harassment whenever he/she makes unwelcome advances, requests sexual favors, and engages in other 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 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 which 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 contact 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 discipline policy. Any person knowingly making a false accusation regarding sexual harassment will likewise 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 insure that employees or students accused of sexual harassment or intimidation are given appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. 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 the offender.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall ensure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District’s compliance efforts.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Cross Reference: 3215 Uniform Grievance Procedure

34 CFR Part 106
Montana Constitution Article X, § 1
Montana Human Rights Act, § 49-3-101, et seq., MCA

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/01
Sidney School District

Harassment Reporting Form for Students

School ___________________________________________ Date____________________

Student’s name ________________________________________________

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

- Who was responsible for the harassment or incident(s)? ________________________

- Describe the incident(s). _________________________________________________

- Date(s), time(s), and place(s) the incident(s) occurred. _________________________

- Were other individuals involved in the incident(s)? __yes __no
  If so, name the individual(s) and explain their roles. ______________________________

- Did anyone witness the incident(s)? __yes __no
  If so, name the witnesses. __________________________________________________

- Did you take action in response to the incident? __yes __no
  If yes, what action did you take? _____________________________________________

- Were there any prior incidents? __yes __no
  If so, describe any prior incidents. ____________________________________________

Signature of complainant ____________________________________________

Signatures of parents/legal guardians _________________________________________
NOTICE OF PARENT AND STUDENT RIGHTS

What is the District policy concerning sexual harassment?

The District forbids employee conduct constituting sexual harassment of students. The District forbids students from engaging in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. The District encourages parental and student support in its efforts to address and prevent sexual harassment in the public schools.

What is sexual harassment?

Sexual harassment includes any welcome or unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), nonverbal, physical, or visual conduct of a sexual nature. 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.

What laws address sexual harassment of students?

Sexual harassment of students by District employees may constitute discrimination on the basis of sex and is prohibited by Title IX (the federal law prohibiting gender-based discrimination by schools that receive federal funds).

Will I be informed if my child has been sexually harassed at school?

The District will notify parents of students involved in sexual harassment by students when the allegations are not minor or of any incident regarding sexual harassment by an employee. Notification may be by telephone, letter, or personal conference.

What will the District do when it learns of sexual harassment of a student?

When a principal or other school administrator receives a report that a student is being sexually harassed, he or she will initiate an investigation and take prompt action to intervene.

What do I do if I am concerned that my child has been sexually harassed at school?

A student or parent who has a complaint alleging sexual harassment by other student(s) or sexual harassment by an employee may request a conference with the principle, the principal’s designee, or the District’s Title IX coordinator. The conference will be scheduled and held as soon as
possible. The principal or Title IX coordinator will coordinate an investigation. Oral complaints should be reduced to writing to assist in the District’s investigation. A complaint may also be filed separately with the Office of Civil Rights.

**Who is the Title IX coordinator and how do I contact that person?**

The Title IX coordinator for the District is:

**Rita Braun**  
Title IX Coordinator  
1012 4th Ave. SE, Sidney, MT 59270  
Sidney, Montana 59270  
Telephone: (406)433-2330

The Title IX coordinator is a District employee who has the responsibility to assure District compliance with the requirements of Title IX. The coordinator will investigate or oversee an investigation of a complaint alleging violations of Title IX. The District has adopted complaint procedures for handling Title IX complaints, which may be obtained from the principal or Title IX coordinator. The student may be accompanied by the parent or other advisor throughout the complaint process.

**Will my complaint be confidential?**

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

**What if I am not satisfied by the District’s resolution of my complaint?**

If the parent is not satisfied with the District’s initial response to the complaint, he or she has fifteen days to request a conference with the Superintendent, who will schedule and hold a conference. Prior to or at the conference, the student or parent shall submit a written statement of the complaint and any evidence in its support, the solution sought, the student’s or parent’s signature, and the date of the conference with the principle. If the parent is not satisfied with the Superintendent’s response to the complaint, he or she has fifteen days to request that the complaint be heard by the Board at its next regular meeting, in accordance with policy 3215. The Board will hear the complaint in closed meeting, unless otherwise required by the Open Meetings Law. At the conclusion of the hearing, the Board will decide what action it deems appropriate.

**Policy History:**  
Adopted on: 11/9/98  
Revised on: 7/1/01
Sexual Intimidation/Harassment of Students

I. Distribution of District’s Policy

A copy of the Sexual Intimidation/Harassment of Students policy and accompanying procedures shall be distributed annually in the Student Handbook and the Staff handbook. Copies may be distributed in other ways as deemed appropriate by the District’s administration.

II. The District’s Education Program

The health education program for grades Kindergarten through 12 shall include age appropriate instruction which leads to the student’s understanding of sexual abuse and harassment. Counselors and health teachers shall obtain and disseminate age appropriate informational materials concerning sexual abuse and harassment.

III. Student Complaint Process

Basic Procedural Rights

A. The Title IX (or Title IX/Section 504) Coordinator (or authorized individual) shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints.

B. Relevant records shall be available in accordance with the Montana Constitution, Article II, § 10, and FERPA.

C. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

D. During the investigation of sexual harassment or sexual intimidation, the grievant may be accompanied by a friend, parent or advisor for support during any part of the process.

E. Retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.

F. If a grievance is taken to the Board for a formal contested case hearing as provided by law, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.
G. It is the policy of this District to process all grievances in a confidential manner, to the extent possible.

H. The District Superintendent, building principal or a trustee of the District may request that the Title IX Coordinator or any other authorized individual conduct an investigation of suspected violations of Title IX. The investigator will prepare a report as outlined in Level 2 of the grievance process.

Process

Level 1: Principal or Immediate Supervisor (Informal and optional--may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the principal or Coordinator. An exception is that complaints of sexual harassment should be discussed with the first line supervisor or administrator that is not involved in the alleged harassment.

Level 2: Title IX (Title IX/Section 504) or Other Authorized Grievance Coordinator

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance; 2) the remedy requested, and 3) be signed and dated by the grievant. The Level 2 written grievance must be filed with the Coordinator (or designated person) within thirty (30) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

The Coordinator (or designated person) has authority to investigate all written grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator will prepare a written report of the investigation which may include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.
2. A statement of the facts as contended by each of the parties.
3. A statement of the facts as found by the Coordinator and identification of evidence to support each fact.
4. A list of all witnesses interviewed and documents reviewed during the investigation.
5. A narrative describing attempts to resolve the grievance.
6. The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.
7. If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The Coordinator will, if possible, complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. If the Superintendent agrees with the recommendation of the Coordinator, the recommendations will be implemented.

**Level 3: The Board of Trustees**

If the Superintendent rejects the recommendations of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fourteen (14) days of receiving the report of the Coordinator to the Board. On receipt of the written appeal, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting.

**Level 4: County Superintendent**

If the case falls within the jurisdiction of the county superintendent of schools, the decision of the Board may be appealed to the county superintendent by filing a written appeal within thirty (30) days after the final decision of the Board pursuant to the Rules of School Controversy (10.6.103 et seq. ARM)

**Other Options for Grievant**

At any time during this process, a grievant may file a complaint with the Montana Human Rights Commission or with the U.S. Department of Education, Office for Civil Rights (Denver, Colorado), or take private legal action.

Names, locations, and phone numbers of individuals to contact with questions or complaints:

<table>
<thead>
<tr>
<th>Superintendent</th>
<th>Title IX Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidney Public Schools</td>
<td>Sidney Senior High</td>
</tr>
<tr>
<td>121 5th Street SW</td>
<td>1012 4th Avenue SE</td>
</tr>
<tr>
<td>Sidney, MT 59270</td>
<td>Sidney, MT 59270</td>
</tr>
<tr>
<td>(406) 482-4080</td>
<td>(406) 482-2330</td>
</tr>
</tbody>
</table>
Sidney School District

STUDENTS

Bullying /Harassment/Intimidation/ Hazing

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

Definitions

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

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

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

4. “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.
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. Complainants 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
10.55.801(1)(d), ARM School Climate

Policy History:
Adopted on: 7/01/06
Revised on: 7/01/07
Sidney School District

STUDENTS

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, student vehicles parked on district property, cellular phones, or other electronic communication devices.
Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student’s vehicle will be searched, and the student expressly consents to such a search.

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

Seizure of Property

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

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

Policy History:
Adopted on: 11/9/98
Reviewed on:
Revised on: 7/01/06, 7/01/08
Sidney School District

STUDENTS

Searches and Seizure

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

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.

2. If the authorized administrator has any reasonable suspicion to believe that any locker, car or other container of any kind on school premises contains any item or substances, which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.

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

3. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.

4. No student shall hinder, obstruct or prevent any search authorized by this procedure.

5. 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.

6. 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.

7. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/1/06, 7/1/07
Student Use of Buildings - Equal Access

Non-curriculum related secondary school student organizations may conduct meetings on school premises if approved by the building principal.

If the meeting is student-initiated and not part of a school sponsored activity, it must be conducted according to the following guidelines:

1. Attendance is voluntary;
2. The school will not participate in or sponsor it;
3. It cannot materially or substantially interfere with the orderly conduct of educational activities within the school;
4. The school maintains its authority to maintain order and discipline;
5. Non-school persons may not direct, conduct, control, or regularly attend activities.

This policy does not apply to non-student groups.

Legal Reference: 20 U.S.C. 4071 Equal Access Act

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Suspension and Expulsion

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

The following definitions apply for purposes of this policy:

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for a specified and limited period of time. An administrator may order suspension of a student.

- “Expulsion” means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one calendar year. Expulsion is a disciplinary action available only to the Board.

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

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

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

Legal Reference: 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
34 CFR 300.519-521 Procedural Safeguards
§ 20-4-302, MCA Discipline and punishment of pupils—
definition of corporal punishment—penalty—
defense
§ 20-4-402, MCA Duties of district superintendent or county
high school principal
§ 20-5-105, MCA Attendance officer – powers and duties
§ 20-5-106, MCA Truancy
§ 20-5-201, MCA Duties and sanctions
§ 20-5-202, MCA Suspension and expulsion
ARM 10.16.3346 Aversive Treatment Procedures
Goss v. Lopez January, 1975

Policy History:
Adoption on: 11/9/98
Revised on: 7/01/06, 7/01/09
Sidney School District

STUDENTS

Corrective Actions and Punishment

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

Suspension

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 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 practical 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.

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

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.

Procedures for Suspension and Expulsion of Students With Disabilities

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

A building administrator may suspend a child with a disability from the child’s current placement for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive 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.

Procedure History:
Promulgated on: 11/9/98
Reviewed on:
Revised on: 7/12/99, 7/01/06, 7/01/08
The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a Weapon in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

- On, or within sight of, school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
• Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include, but are not limited to:
• Expulsion
• Suspension
• Detention, including Saturdays
• Clean-up duty
• Loss of student privileges
• Loss of bus privileges
• Notification to juvenile authorities and/or police
• Restitution for damages to school property

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

Gun-Free Schools

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

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

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

Possession of a Weapon in a School Building

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

For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities; “weapon” means any 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.

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.

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

This policy does not apply to on-duty law enforcement personnel.

Delegation of Authority

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

Cross Reference: 3300 Corrective Actions and Punishment
Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
§ 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/03, 7/01/06, 7/01/07
Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than 45 minutes on one or more days. Students may be required to attend Saturday detention for up to four hours.

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.

After school detention shall not begin until the parent has been notified (except in the case of the adult student) for the purpose of informing him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action or punishment.

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

The principal shall be responsible for seeing that the time which the student spends for corrective action or punishment shall be used constructively for educational purposes.

Policy History:
Adopted on: 11/9/98
Revised on:
Extra- and Co-Curricular Chemical Use Policy

Policy Purpose

It is the position of the Sidney Public Schools that participation in extra- and co-curricular activities is a privilege extended to the students who are willing to make the commitment to adhere to the rules that govern the program. It is the District's belief that participation in organized activities can contribute to the all-around development of young men and women.

Policy Coverage

This policy states that a student shall not (1) use, have in possession, sell or distribute alcohol, tobacco or illegal drugs, and (2) abuse prescription or non-prescription drugs. This policy is not intended to apply to the use of prescribed drugs, under a doctor's supervision, when those drugs are used in the prescribed manner. Possession is defined as the use of a prohibited substance, having a prohibited substance in personal possession, or knowingly (as defined as a reasonable prudent person would know) being present at a function or gathering at which a prohibited substance is illegally used.

This policy applies to middle and high school students who are involved in the extra- and co-curricular activities program.

District administrators have the responsibility to update and implement this policy for extra- and co-curricular activities. The involved staff have the responsibility of student awareness and implementation of this policy. Students who elect to participate in extra- and co-curricular activities, and parents or guardians are responsible for understanding this policy and recognizing it in written form.

Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities (August) until the last day of school (June).

Violations are cumulative through the student's period of attendance in middle or high school. Violations do not carry over from the middle to high school.

First Violation (in and out of season)

1. A meeting with the student, parents, coach/sponsor and school administrator and school chemical counselor.
2. Suspension from activities as noted in the student handbook.

3. Students must enroll and participate in the school's chemical class before they will be eligible to participate in the next sports season. Students with violations out of season must be enrolled in the awareness class before they can participate in the next sports season.

Second Violation (in and out of season)

1. A meeting with the student, parents, coach/sponsor and school administrator and school chemical counselor.

2. Suspension from activities as noted in the student handbook.

3. Student must obtain a professional drug/alcohol/tobacco evaluation and follow the evaluation recommendations. Upon completion of the evaluation, the student is then eligible to participate in the next sports season. Student with violations out of the season must complete the professional evaluation before they can participate in the next sports season.

Third Violation (in and out of season)

1. A meeting with the student, parents, coach/sponsor and school administrator and school chemical counselor. The purpose of the meeting will be to offer help to the student.

2. Student will be prohibited from participation in the school extra- and co-curricular activities for one calendar year.

3. Referral for professional help.

Student and Parent Due Process

If a determination is made that a student has violated this policy, the student, parents and/or guardians shall be notified of the violation by telephone where possible and also by mail. Also at this time, the student, parents and/or guardians shall be notified of the type of discipline that will be administered.

APPEAL PROCESS: Any parent or student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the principal for the purpose of resolving the grievance. At such a conference, the student and the parent shall be subject to questioning by the principal and shall be entitled to question staff involved in the matter being grieved.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

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. The development of procedures at each building for the isolation and temporary care of students who become ill during the school day.

2. Consulting services of a qualified specialist for staff, students, and parents.


4. Scoliosis screening.

5. Immunization as provided by the Department of Health and Human Services.

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

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

1. 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 non-emergency, invasive physical examination or screening.

As used in this policy, the term “invasive physical examination” means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but this does not include a hearing, vision, or scoliosis screening.
Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

All parents will be notified of the requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

Legal Reference: § 20-3-324(20), MCA Powers and duties
General Education Provisions Act, 20 U.S.C. 1232h(b)

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

STUDENTS 3413

Student Immunization

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

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

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

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

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/06
Administering Medicines to Students

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

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

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

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

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

Administering Medication

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

Emergency Administration of Medication

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

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

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

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

Self-Administration of Medication

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

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

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

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

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

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

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

- The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student’s primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

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

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

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

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

Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee 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.

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.

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

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

Disposal of Medication

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

Legal Reference:

§ 20-5-412, MCA   Definition – parent-designated adult administration of glucagons – training
§ 20-5-420, MCA   Self-administration or possession of asthma, severe allergy, or anaphylaxis medication
ARM 24.159.1604   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

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/06, 7/01/08, 7/01/09
Authorization to Carry and/or Self-Administer Physician Prescribed Medication

School Year 20___ /20___

For this student to carry and/or self-administer medication on school grounds or for school sponsored activities, this form must be fully completed by the prescribing physician/provider and an authorizing parent, an individual who has executed a caretaker relative educational authorization affidavit, or legal guardian.

Student’s Name: ____________________
School _________________Grade______
Sex: (Please circle)  Female/Male
Birth Date:____/____/____
City: ______________________________
School Year: _________(renew each year)

Physician’s Authorization:
The above named student has my authorization to carry and self administer the following medication:
Medication: (1) _______________________________ Dosage: (1)_________________________

(2) _______________________________ Dosage: (2)_________________________

Reason for prescription(s): __________________________________________________________________
Medication(s) to be used under the following conditions: __________________________________________
____________________________________________________________________

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication on his own without school personnel supervision. I have provided 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 ____________________________  Physician’s Phone Number ____________________________  Date ____________________________

Backup Medication – The law provides that if a child’s health care provider prescribes “backup” medication to be kept at the school, it must be kept in a predetermined location, known to the child, parent and school staff.

The following backup medication has been provided for this student:____________________________________

For Completion by Parent, an individual who has executed a caretaker relative educational authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational 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 an auto-injectable epinephrine, he/she understands the need to alert an adult that emergency medical personnel need to be called. If he/she has used his/her asthma inhaler as prescribed and does not have relief from an asthma attack, he/she is to alert an adult.

I also acknowledge that the school district may not incur liability as a result of any injury arising from the self-administration of medication by the pupil and that I shall indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to also work with the school in establishing a plan for use and storage of backup medication if prescribed, as above, by my child’s physician. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma or anaphylaxis emergency.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the physician may rewrite the order on his prescription pad and I, the parent/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.

Parent/Guardian Signature: ____________________________  Date: ____________________________
Authorization to Self-Administer Over-The-Counter Medication

Name of Student: __________________________

School: ___________________________ Grade: ___________________________

Teacher: ___________________________ Dosage: ______________ Frequency: ______ Route: _______

(Trade/Generic names)

Administration Time: ___________________________

Anticipated number of days it needs to be taken at school: _______________

Additional Instructions: ______________________________________________________________________

☐ I HEREBY GIVE MY PERMISSION for ___________________________ to take the above over-the-counter medication at school as ordered. I understand that it is my responsibility to furnish this medication. The above medication will be brought to school by Parent or Guardian in the original container appropriately labeled, stating the name of the medication, dosage, frequency and route with expiration date.

For Completion by Parent, an individual who has executed a caretaker relative educational authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed 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 an auto-injectable epinephrine, he/she understands the need to alert an adult that emergency medical personnel need to be called. If he/she has used his/her asthma inhaler as prescribed and does not have relief from an asthma attack, he/she is to alert an adult.

I also acknowledge that the school district may not incur liability as a result of any injury arising from the self-administration of medication by the pupil and that I shall indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to also work with the school in establishing a plan for use and storage of backup medication if prescribed, as above, by my child’s physician. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma or anaphylaxis emergency.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the physician may rewrite the order on his prescription pad and I, the parent/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 understand that the initial dose must be given previously to student by parent or guardian.

_____ Yes  _____ No

I have received, understand and am willing to comply with Sidney Schools Medication Distribution Policy.

_____ Yes  _____ No

________________________________________  __________________________
Signature of Parent or Guardian  Date
Request to receive Acetaminophen (Tylenol)

School Year 20___ /20___

Name of Student: _______________________________  BD: ___/___/___

School: _______________________________  Grade: _______________________________

Teacher: _______________________________

Additional Instructions: __________________________________________________________

☐ I HEREBY GIVE MY PERMISSION for ______________________ to receive Acetaminophen (eg. Tylenol) with dosage per package instructions.

☐ Daily  ☐ Weekly

☐ Only with phone approval from parent/guardian.

For Completion by Parent, an individual who has executed a caretaker relative educational authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed 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.

I also acknowledge that the school district may not incur liability as a result of any injury arising from the self-administration of medication by the pupil and that I shall indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed.

I understand that the initial dose must be given previously to student by parent or guardian.

_____ Yes  _____ No

I have received, understand and are willing to comply with Sidney Schools Medication Distribution Policy.

_____ Yes  _____ No

________________________________________  _________________________
Signature of Parent or Guardian  Date
### Student's Individual Medication Record

**Name of Student:** __________________________  **School:** __________________________

**Grade:** __________________________  **Teacher:** __________________________

**Phone:** __________________________  **Person with Prescriptive Authority:** __________________________

---

**Medication Information**

- **Trade Name:** __________________________________________
- **Generic Name:** __________________________________________
- **Dosage:** __________________________________________
- **Frequency:** __________________________________________
- **Route:** __________________________________________
- **Administration Time:** __________________________________________

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**Date of Request for Med.:** __________________________________________

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**Signature**  | **Initials** | **Date** |
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**Comments/Date**

________________________________________________________________________
Sidney School District

Policy 3416: Disposal of Medication
School personnel must either return to parent or destroy (with permission of the parent or guardian) any unused, discontinued or obsolete medication. Medicine, which is not repossessed, by the parent or guardian within a seven (7) day period of notification by school authorities will be destroyed by the building principal in the presence of a witness.

Student Name: __________________________________________
Medication: ____________________________________________

Parent or Guardian: ______________________________________
Contact telephone number: _________________________________
Mailing address (if applicable): ______________________________

Manner in which Parent/Guardian was contacted: ________________

Initial contact: 
Date: ____________________________
Response: ____________________________

Second contact: 
Date: ____________________________
Response: ____________________________

Date Medication was destroyed: ______________________________

Method of Destruction: ______________________________________

________________________________________
Signature of Building Principal

________________________________________
Signature of Witness
Communicable Diseases

The District is required to provide educational services to all school age children who reside within its boundaries. Attendance at school may be denied to any child diagnosed as having a communicable disease which could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of that child when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases which 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. This District shall rely on the 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.

Management of common communicable diseases will be in accordance with Montana Department of Health guidelines and communicable diseases control rules (16.28.101, ARM, et seq). A student who exhibits symptoms of a communicable disease which is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse or other responsible person designated by the Board and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The District reserves the right to require a statement from the student's primary care provider authorizing the student's return to school.

In all proceedings related to this policy, the District shall respect the student's right to privacy.

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

Only those persons with direct responsibility for the care of the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition.
if it is determined there is a need for such individuals to know this information.

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

The Superintendent shall initiate procedures to insure that all medical information will be held in confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

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

Legal Reference: 16.28.101, et seq, ARM Communicable Disease Control

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Suicide

The Board recognizes that suicide is a serious problem in our nation. Suicidal intent by any of the students in our schools is indicative of serious underlying problems.

It is the policy of the District to make every effort to prevent suicide by: offering and providing help and assistance including early identification; support and/or counseling by school support personnel for low-risk students; referral to appropriate sources outside the school for high and moderate-risk students; attendance to the rights of the student and his/her family; and after care support by the school for faculty, staff, and students after a sudden death has occurred.

Policy History:
Adopted on: 11/9/98
Revised on:
Suicide

All persons who work with students in this District must recognize the boundaries of their competencies and their personal and professional limitations. In addition, the schools' responsibilities in responding to students with serious problems involve identification, support, and referral, but not treatment of students' emotional problems.

Responsibilities:

A Crisis Response Team (CRT) chaired by the Chemical Dependency Coordinator or other designated person and consisting of appropriate administrators, school psychologists, school counselors and chemical dependency staff will be appointed by the Superintendent. The CRT will be responsible for obtaining specialized suicide education, disseminating pertinent information to school staff faculty and the public, providing suicide assessment, referral, and follow-up and the keeping of confidential records.

Suicidal concerns fall into three areas, and must be handled accordingly. These are (1) suicide referrals (2) suicide attempts, and (3) suicide completions.

Suicide Referrals:

1. Any staff member student or other person who has reason to believe a student is suicidal shall submit the name of that student to one of the school counselors school psychologists, or assistant principals, who then ensures that the student remains under adult supervision while the school's principal is informed.

2. The school principal then contacts one or two CRT member(s) who then go(es) through the initial intervention form with the referred student. If it becomes apparent that the student is a moderate or high suicide risk, the CRT member may skip immediately to #5 below.

3. While maintaining supervision of the student, the involved CRT members and the building principal will make a decision as to whether the threat is serious. If the threat is not serious, the student will be released, and a parent/guardian notified of the referral. Confidentiality of the referring person will be maintained.

4. If a suicide assessment is deemed necessary, the CRT leader will be notified and a CRT member will assess the student's situation using the Suicide Assessment and Intervention form. A "No Suicide Contract" may be signed by the student.
5. While maintaining supervision of the student, the building principal, the CRT leader and the involved CRT member(s) will meet to make a decision and referral based on the known facts of the case. The Parent or guardian will be notified by phone of the recommended action. The student will be released only to the parent/guardian or a designated adult care giver. A follow-up plan to provide support services must be documented.

6. If appropriate the student's teachers and other staff members will be notified. All records of these actions are to be kept in a confidential file maintained by the CRT leader.

Suicide Attempts:

A suicide attempt can involve two distinct scenarios: (1) an attempt occurring on school property and (2) an attempt at another location.

In the event that a suicide is attempted on school property, the building principal shall follow District Crisis Procedures Manual in obtaining the necessary medical and psychological assistance. Care must be taken to avoid the spread of hysteria to the rest of the student body. It is understood that information regarding a suicide attempt should be kept as confidential as possible. Care must be taken not to "glorify" the act by actions of the staff such as by holding an assembly which may cause mass confusion and hysteria.

The CRT leader will maintain records involving suicide attempts that have occurred in the District as they become known. A CRT member will also:

1. Call the parents to verify the situation and determine probable absence time. This also serves to let the family know the school has a helpful non-threatening manner of dealing with suicidal students.

2. Monitor the student's friends, and/or follow up with other students who may be perceived as "risks."

3. Assist the student upon his/her return and maintain periodic contact with those involved.

Suicide Completions:

It is imperative to respond to suicide in a manner that does not glorify the suicide act and at the same time allows the grief process to take a natural course.

The following is a procedure for principals to follow:

1. Call the Superintendent and CRT members to inform them of the incident, and request their presence at an emergency faculty meeting. Contact the victim's parents to offer
2. Hold an emergency faculty meeting to discuss procedures for the day and relay facts about the suicide. It may be necessary for CRT members to remain to assist in the building. Instruct teachers to allow students to talk about the suicide individually and as a group or class, and send those having great emotional difficulty to a CRT member or other appropriate personnel. Attendance accountability must be maintained although students may be excused upon parent request.

3. If a staff meeting is not possible, disseminate information about the victim to all teachers, and inform them of what procedures to follow.

4. Make a formal acknowledgment of the loss of the student in a sensitive and respectful way, without sensationalizing the incident.

5. Target groups to receive counseling, particularly the victim's network of friends, to help them with their grief.

6. Have appropriate staff members conduct a voluntary "critical incident review" with the building staff within a few days. If necessary, call suicide experts to set up a seminar or workshop for staff, parents, and students at a later date.

7. Write a report of the case for the confidential CRT file.

8. Remain alert to latent manifestations, or a "ripple effect" where more problems may surface well after the initial incident.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Emergency Treatment

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

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

When a student is injured, staff shall 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, as such DNR requests do not apply to school-based programming or eventualities attendant thereto. A principal or designated staff should 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 shall do the following:

- Immediately 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 a parent or guardian to pick up the child; and
- Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

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

A person with a currently valid American Red Cross Standard First Aid Card shall be present for all field trips, athletic and out of district events.

Legal Reference: 16.10.1117, ARM Health Supervision and Maintenance.

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/07, 7/01/09
Removal of Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with District procedures. Before a student is removed or excused, the person seeking to remove the student must present to the satisfaction of the Superintendent or principal evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal. The Superintendent is directed to establish procedures for the removal of a student during school hours.

Policy History:
Adopted on: 11/9/98
Revised on:
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 4410P.

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 who has 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.

6. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 3440 Removal of Student During School Day
4401/4401P Relations with Law Enforcement and Child Protective Agencies

Procedure History:
Promulgated on: 11/9/98
Revised on:
Student Activities

1. Student Organizations:
   a. All student organizations must be approved by the Board. New organizations and activities must have prior approval of the Board. Secret or clandestine organizations or groups will not be permitted.
   b. By-laws 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, nomination and election of officers, and in organization rules and by-laws.

2. Social Events
   a. Social events must have prior approval of the administration.
   b. Social events must be held in school facilities unless prior approval of the Board is obtained. MHSA tournament dances may be held at the Sidney High School at the discretion of the high school principal.
   c. Social events must be chaperoned at all times.
   d. Attendance at high school social events and dances shall be limited to high school students only and middle school social events shall be limited to middle school students only, unless prior permission is received from the principal.
   e. Administrative rules and regulations shall provide any further controls that may be needed.

3. Extra-curricular Activities
   a. The public image of the school is projected by the conduct, the attitudes and reputations of those students who take a leading role in extra-curricular school activities. Students so honored by the school are regarded by the public as representatives of the school system. They are emulated by their fellow students and are sought after for friendship, leadership and guidance. Such laurels should be bestowed only on those who are worthy.
b. To be eligible for leadership and the public spotlight in school activities, it is not enough for the student to be a good athlete, a superior musician, or to possess the personal popularity to be elected to an office or a student organization. Such eligibility should require good moral character and behavior, a neat appearance, an attitude of respect toward others and a desire to comply with the rules of the school system and the civil laws of society.

c. Any student convicted of criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may invoke.

d. Administrative rules and regulations shall provide for such further controls as may be necessary to insure that the students and school system are truly represented by worthy persons.

e. A student who violates the Drug and Alcohol provisions of these rules will be suspended from extra-curricular activities as provided by that rule.

f. That in establishing an interscholastic program, the Board directs the administration to:

1. Open all sports to all students enrolled in the district with an equal opportunity for participation.

2. Recommend sports activities based on interest inventories completed by the students.

3. Establish eligibility requirements for students which include approval of a physician, satisfactory citizenship and academic records, MHSA guidelines, and parent approval.

4. Give every eligible student an equal opportunity to be a member of a squad.

g. High school students must fulfill the eligibility requirements of the Montana High School Association to participate in inter-scholastic athletics and other sanctioned activities.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Student Fees, Fines and Charges

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

A student may be required to pay reasonable fees to cover the actual cost of breakage and of excessive supplies used in commercial, industrial arts, music, domestic science, scientific or agricultural courses.

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

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

A student shall be responsible for the cost of replacing materials or property which are lost or damaged due to negligence. The student and his/her parents shall be notified regarding the nature of the violation or damage, how restitution may be made, and how an appeal may be instituted. A student's grades or diploma may be withheld until restitution is made by payment. The student or his/her parents may appeal the imposition of a charge for damages to the Superintendent and the Board.

Legal reference:  § 20-5-201, MCA  Duties and sanctions
§ 20-7-703, MCA  Free textbook provisions
§ 20-9-214, MCA  Fees

Policy History:
Adopted on: 11/9/98
Revised on:
Student Fund-raising Activities

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

The Superintendent shall establish rules and regulations for the solicitation of funds by approved school organizations, official school-parent groups and by outside organizations. The principal shall distribute these rules and regulations to each student organization granted permission to solicit funds.

Policy History:
Adopted on: 11/9/98
Revised on:
Student Fund-raising Activities

Guidelines for student fund raising activities are as follows:

1. Student participation must be voluntary.

2. The fund raising activity must be such that it is not likely to create a poor public relations image.

3. Fund raising activity efforts must not interfere with the educational program.

4. Fund raising activities conducted by associated student bodies or subgroups thereof must conform to the District student body accounting requirements. Expenditures of all student body funds must be approved by the student body.

5. Fund raising activities conducted by outside groups (including parent groups) must not involve the official student body organizations and must not utilize district materials, supplies, facilities or staff unless reimbursement is made. If student body organization involvement occurs, any moneys become student body moneys and are subject to student body accounting requirements.

6. Any outside group other than an official school-parent group must have central office approval before conducting fund raising activities within a school or schools.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Student Records

School student records are confidential, and information from them shall 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 information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents shall have the right to object to the 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 shall implement this policy and state and federal law with administrative procedures. The Superintendent or a designee shall inform staff members of this policy, and shall inform students and their parents of it, as well as their rights regarding student school records.

Legal Reference:
- § 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

Policy History:
- Adopted on: 11/9/98
- Revised on: 7/1/02, 7/1/03
Notify to Parents and Students of Rights Concerning a Student’s School Records

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

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

- Basic identifying information
- Academic transcripts
- Immunization records
- Attendance record

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Achievement test results
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information

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

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

   Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent(s)/guardian(s) or eligible student of the time and place where 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 the 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 that 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 an attorney, auditor, medical consultant, or therapist); 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
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended
Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building principal within thirty (30) 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.

6. **The right to request that 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

Revised: 7/1/03, 7/1/05
Sidney School District

STUDENT  

Student Records

Maintenance of School Student Records

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

The permanent record shall include:

- Basic identifying information
- Academic transcripts
- Immunization records
- Attendance record

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Achievement test results
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information

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

The building principal shall be responsible for the maintenance, retention, or destruction of a student’s permanent or cumulative records, in accordance with District procedure established by the Superintendent.
Access to Student Records

The District shall grant access to student records as follows:

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

2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child’s school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the District’s receipt of such a request.

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

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

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

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

3. The District may grant access to or release information from student records to employees or officials of the District or the Montana State Board of Education, provided a current, demonstrable educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District shall grant access to or release information from a student’s records pursuant to a court order, provided that the parent shall be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.

6. The District shall grant access to or release information from any student record, as specifically required by federal or state statute.

7. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

8. The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.

9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, the District shall provide prompt written notice to the parents or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
10. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, the date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

11. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.

12. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student’s school records without notice to or consent of the student’s parent(s)/guardian(s).

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

14. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record shall 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 shall be limited to:

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

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

Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.
Student Record Challenges

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

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

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


§ 20-5-201, MCA Duties and sanctions
§ 40-4-225, MCA Access to records by parent
§ 41-5-215, MCA Youth court and department records – notification of school
10.55.909, ARM Student records

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/12/99, 7/10/00, 7/1/03, 7/1/05
Transfer of Student Records

A certified copy of the permanent, or cumulative, file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within 5 working days after receipt of a written or electronic request. The files that are forwarded must include education records in the permanent file (as defined by the Board), special education records, and any disciplinary actions taken against the student that are educationally related.

If the records cannot be transferred within 5 days, the District shall notify the requestor in writing or electronically providing the reasons why the District is unable to comply with the 5-day time frame. The District shall also include in that notice the date by which the requested records will be transferred. A request for the transfer of records may not be refused because the student owes fines or fees.

Cross Reference: 3600/3600P Student Records
3608 Receipt of Confidential Records

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

Policy History:
Adopted on: 11/9/98
Revised on:
Receipt of Confidential Records

The District is eligible to receive the 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. These records shall not be included in the student’s permanent file and shall be kept confidential as required by law.

The following individuals are authorized by the Trustees to receive information with respect to a student of the District who is a client of the department:

1. Superintendent
2. Counselor
3. Principal

When the District receives information pursuant to § 41-3-205, MCA, it is the responsibility of the authorized individual to prevent the unauthorized dissemination of that information.

Cross Reference: 3600/3600P Student Records
3606 Transfer of Student Records

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Programs for At-Risk/Disadvantaged Students

At-Risk Coordinator

The District will designate one at-risk coordinator to collect and disseminate data regarding drop-outs in the District and to coordinate the District's program for students who are at high risk of dropping out of school.

Dropout Reduction Plan

Each school year, the at-risk coordinator will prepare a dropout reduction plan that identifies:

1. the number of District students who dropped out in the preceding regular school term;
2. the number of students in grades 1-12 who are at risk of dropping out;
3. the District's dropout rate goal for the next school year,
4. the dropout reduction programs, resources and strategies to be used during the school year.

The Board will review and approve the plan and will make it available to the public.

Exception

The District is not required to prepare a dropout reduction plan if fewer than 5% of its students are identified as "at risk" of dropping out.

At-Risk Students

In determining whether a student is at high risk of dropping out of school, the District will consider the student's academic performance as well as whether the student is adjudged delinquent; abuses drugs or alcohol; is a student of limited English proficiency; receives compensatory or remedial education; is sexually, physically or psychologically abused; is pregnant; is a slow learner; enrolls late in the school year; stops attending school before the end of the school year; is an underachiever; is unmotivated; or exhibits other characteristics that indicate the student is at high risk of dropping out of school.
Programs and District Plan

The District will provide a remedial and support program for any student who is at risk of dropping out of school. The District will have a plan designed to retain students in a school setting. The District plan will be the responsibility of the Superintendent or the designated at-risk coordinator and will:

1. emphasize a comprehensive team approach that includes the Superintendent, principal, parent/guardian, teacher, student, community service provider, business representative, or others;
2. include objectives designed to meet the identified needs of at-risk students and to retain those students in school;
3. be designed to use community resources that are available to serve at-risk youth.
4. provide for parental involvement, such as participation in developing student academic plans and training programs for parents; and
5. provide for review of individual profiles for at-risk students.

The District plan may also:

1. Include alternatives; and
2. provide for the referral of students who drop out to programs such as adult basic education, Job Training Partnership Act programs, or other options.

"Dropout" Defined

"Dropout" means a student:

1. who does not hold a high school diploma or the equivalent;
2. who is absent from the school in which the student is enrolled for a period of 30 or more consecutive school days or who fails to re-enroll during the first 30 consecutive school days in the following semester or school year; and
3. Whose attendance within that period at another public school or a private or parochial school cannot be evidenced.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

STUDENTS

Cellular Telephone and Electronic Signaling Device Policy

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

Students may use cellular phones, pagers and other electronic signaling devices on campus before school begins and after school ends. Students in grades 9-12 may also use such devices during the lunch period. These devices must be kept out of sight and turned off during the instructional day. Unauthorized use of such devices disrupts the instructional program and distracts from the learning environment. Therefore, unauthorized use is grounds for confiscation of the device by school officials, including classroom teachers. Confiscated devices will be returned to the parent or guardian. Repeated unauthorized use of such devices will result in disciplinary action.

Policy History:
Adopted on: 7/01/04
Revised on:
**SIDNEY SCHOOL DISTRICT**

**4000 SERIES**

**COMMUNITY RELATIONS**

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Sidney School District

COMMUNITY RELATIONS

Goals

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

1. to emphasize on-going development of two-way communications with the public, geared toward the establishment of an educationally enlightened supportive population.

2. to encourage and enhance communications, understanding, trust and mutual support between the district and the people it serves.

3. to increase both the quality and quantity of public participation in school affairs, activities and programs.

4. to strengthen and improve relations and interactions among staff, trustees, citizens, parents and students.

5. to promote understanding and cooperation between the schools and community groups.

Legal Reference :
10.55.701, ARM Board of trustees
10.55.801, ARM School climate

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

COMMUNITY RELATIONS

Public Relations

The Superintendent is District’s chief spokesperson and shall plan, implement, and evaluate the District public relations program which will:

- Develop public understanding of school operation.
- Gather public attitudes and desires for the District.
- Secure adequate financial support for a sound educational program.
- Help citizens feel more direct responsibility for the quality of education provided by their schools.
- Earn the schools’ good will, respect, and confidence.
- Promote a genuine spirit of cooperation between the school and the community.
- Keep the news media provided with accurate information.

The public relations program may include:

1. Regular news releases concerning District programs, policies, and activities, which will be sent to the news media;

2. News conferences and interviews as requested or needed. Individuals shall not speak for the District without prior approval from the building principal with regard to a building issue or from the Superintendent with regard to the District;

Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the building principal, and/or the author, the publication’s date; and

Other programs which highlight the District’s programs and activities.

Legal Reference: Article II, Sec. 10 Montana Constitution

Policy History:
Adopted on: 11/9/98
Revised on:
School-Support Organizations

The Board recognizes that parent organizations are an invaluable resource to the District schools and so supports their formation and vitality. While parent organizations shall have no administrative authority and cannot determine District policy, their suggestions and assistance are always welcome. Membership will be open and unrestricted.

 Booster clubs and/or special interest organizations may be formed to support and strengthen specific activities conducted within the school or District. All such groups must receive the approval of the school principal, Superintendent and the Board in order to be recognized as a booster organization. Staff participation, cooperation and support are encouraged in such recognized organizations.

Policy History:
Adopted on: 11/9/98
Revised on:
Fund-Raising by School Support Groups

Fund-raising by school support groups such as booster clubs, parent councils, and the like are considered a usual and desirable part of the function of such groups. The specific fund-raising activities must be approved in advance by the principal or his/her designee.

The school principal or his/her designee shall approve all expenditures of such funds. All such funds raised by school adjunct groups are to be used for the direct or indirect support of school programs. Equipment purchased by support groups and donated to the schools becomes the property of the Sidney Public Schools and may be used or disposed of in accordance with District policy and state law.

Policy History:
Adopted on: 11/9/98
Revised on:
Visitors to the Schools

The District encourages visits by Board members, parents/guardians, citizens, and taxpayers, to all District buildings. All visitors shall report to the building principal’s office. If a parent wishes to confer with a teacher, an appointment must be made. Conferences will be held outside school hours or during the teacher’s conference/preparation.

Cross Reference:  #4313 Disruption of School Operations

Policy History:
Adopted on: 11/9/98
Revised on:
Public Complaints

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be referred 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.

Policy History:
Adopted on: 11/9/98
Revised on:
Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

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

Level 1: Informal

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

Level 2: Principal

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Principal within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the Principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the Principal’s decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the Principal’s decision. This request must be submitted to the Superintendent within fifteen (15) days of the Principal’s decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees
with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

Level 3: Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Principal. The parties shall be afforded the opportunity to either dispute or concur with the Principal’s report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the Principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent’s decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

Level 4: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 5: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Disruption of School Operations

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, or any student, official, employee or invitee of the District, the staff member in charge shall immediately notify the local law enforcement authorities of the incident.

The staff member in charge shall make a written report detailing the incident not later than 24 hours from when the incident occurred. A copy of the report shall be given to his/her immediate supervisor.

Cross Reference: #4301 Visitors to Schools

Legal Reference: § 20-1-206, MCA Disturbance of school - penalty
§ 48-8-101, MCA Disorderly conduct

Policy History:
Adopted on: 11/9/98
Revised on:
Spectator Conduct and Sportmanship for Athletic and Extracurricular Events

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

- using vulgar or obscene language or gestures;
- possessing or being under the influence of any alcoholic beverage or illegal substance;
- possessing a weapon;
- fighting or otherwise striking or threatening another person;
- failing to obey the instructions of a security officer or school district employee; and
- engaging in any activity which is illegal or disruptive.

The Superintendent may seek to deny future admission to any person by delivering or mailing a notice, sent by certified mail with return receipt requested, at least 10 days before the Board hearing date, containing:

1. The date, time, and place of a Board hearing;

2. A description of the unsportsmanlike conduct;

3. The proposed time period that admission to school events will be denied.

Legal Reference: § 20-4-303, MCA Abuse of teachers
§ 20-1-206, MCA Disturbance of school
§ 48-8-101, MCA Disorderly conduct

Policy History
Adopted on: 11/9/98
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 who are not employed by the District for educational purposes. Teachers may arrange 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. Other types of contact by non-school personnel will normally not be permitted. Outside organizations desiring to use the captive audience in a school for information, sales material, or special interest curricula will not be allowed access to the schools.

Policy History:
Adopted on: 11/9/98
Revised on:
Distribution of Fund Drive Literature Through Students

It is the policy of this District to refrain from having the students, as student body members, used for collection or dissemination purposes.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Community Use of School Facilities

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

Student and school-related organizations, civic and other non-commercial users shall be granted the use of school facilities at no cost. Other organizations granted the use of the facility shall pay fees and costs. Such costs and fees shall include, but are not necessarily limited to, a deposit fee, a rental fee, cost of personnel, including custodial services, costs of any and all damages as a result of use of the facilities. The Superintendent shall develop procedures to manage community use of school facilities, which shall be reviewed and approved by the Board. Use of school facilities requires administrative approval and is subject to the procedures.

Legal Reference: § 20-7-805, MCA  Recreational use of school facilities secondary

Lamb’s Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
RENTAL AGREEMENT
Sidney School District

This Rental Agreement made this _____ day of ______________, 199_, and effective immediately, by and between SIDNEY SCHOOL DISTRICT, hereinafter referred to as “School”, and _________________________________________________________________, hereinafter referred to as “User”.

ARTICLE I
Premises and Conditions

A. Premises - For and in condition of the terms and covenants of this lease to be performed by User, all of which User accepts, School hereby leases to User the School District facilities described as:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Date(s) the facilities are to be used: _______________________________________
________________________________________________________________________

User agrees to use and permit the use of only those School District facilities specifically leased to User.

B. Condition of Granting Lease - The granting of this lease and its acceptance by User is conditioned upon the following covenants:

1. That no alcoholic beverages, tobacco or other drugs are sold or consumed on the premises by User, its employees, patrons, agents, or members.
2. No illegal games of chance or lotteries will be permitted.
3. That no functional alteration of the premises or functional changes in the use of such premises shall be made by User, without specific written consent of School.
4. That adequate supervision is provided by User to ensure proper care and use of school facilities.

ARTICLE II
Rent and Deposit

User agrees to pay to School, as rent for the premises and as payment for special services (if any) provided by School, the sums as set forth, in the amount of $_______________, and this shall be due _____ days in advance. User shall be responsible for all actual damages, including costs, disbursements, and expenses, resulting while it has use of the premises.
ARTICLE III
Obligation of Lessee

1. User shall maintain the premises clean and free from debris at all times.

2. User shall repair and pay for all damages to the premises caused by its employees, patrons, agents, members of its operation on the premises.

3. User shall permit School and its agents free access to enter into and upon the premises at all reasonable times for the purpose of inspecting same and to make any necessary improvements.

4. User acknowledges that it has received a list of additional obligations, and it hereby consents to those obligations and agrees to adhere to and follow the same, and they are hereby made a part of this agreement.

5. User shall comply with all city, county, and state ordinances, regulations, and statutes that are applicable to User’s use of the premises.

6. User shall at all times cooperate with the school district’s personnel.

ARTICLE IV
Insurance and Indemnification

User shall indemnify and hold harmless the school and its agents and employees for and from any and all loss, including attorneys’ fees, damages, expenses, and liability arising out of its use of school property. User also agrees to pay any damages to school facilities, furniture, or equipment arising out of its use of school property, whether such damage was accidental or deliberate. The cost of damages will be based on the repair or replacement cost, the choice of which is the Board’s discretion. Further, User agrees to supply proof of insurance, verifying that the group maintains adequate insurance coverage against personal injury and/or property loss.

ARTICLE V
Lessee Not To Discriminate

User agrees that neither it, its employees or agents, will refuse, withhold from, or deny any of its services, goods, facilities, advantages, or privileges because of sex, race, age, physical or mental handicap, creed, political ideas, marital status, religion, color, or national origin, and that it will not publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges offered by it while in school facilities will be refused, withheld from, or denied to a person because of sex, race, age, physical or mental handicap, creed, political ideas, marital status, religion, color, or national origin.
DATED this _____ day of _______________, 199_.

Sidney School District:    User:
By _________________________________  By _________________________________
Address ____________________________
Phone ______________________________

Additional Obligations
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
Use of School Property for Posting Notices

Non-school-related organizations may ask the building principal for permission:

1. To display posters in the area reserved for community posters; or
2. To have flyers distributed to students.

Posters and/or flyers subject to a request must be student oriented and have the sponsoring organization’s name prominently displayed. Permission will be denied to post or distribute any material that would:

1. Disrupt the educational process;
2. Violate the rights of others, including material that is defamatory;
3. Invade the privacy of others;
4. Infringe on a copyright; or
5. Be obscene, vulgar, or indecent.

No commercial publication shall be posted or distributed unless their purpose is to further a school activity, such as graduation, class pictures, or class rings. No information from candidates for non-students’ elective offices shall be posted in the school, except on election day, or distributed to students.

Once permission is granted, the organization must arrange to have copies delivered to the school. Distribution of the material, if it is possible, will be done by the classroom teacher without discussion.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

COMMUNITY RELATIONS

Conduct on School Property

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

1. Injure or threaten to injure another person;

2. Damage another’s property or that of the District;

3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;

4. Smoke or otherwise use tobacco products;

5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess dangerous weapons (as defined in Policy 3310) at any time;

6. Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program or any other activity occurring on school property;

7. Enter upon any portion of the school premises at any time for purposes other than those which are lawful and authorized by the Board; or

8. Willfully violate other District rules and regulations.

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

Cross Reference: BP 3310 Student Discipline, Possession of a Weapon in a School Building.

Smoke Free School Act of 1994
§ 20-5-411 (MCA) Use of tobacco product in public school building or property prohibited
§ 20-5-410 (MCA) Civil Penalty

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/07
Public Access to District Records

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

"School District records" include any writing, printing, photostating, photographing, etc., (including electronic mail), that has been made or received by the school, 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. "School District records" do not include the 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 shall serve as "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 shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 4, MCA, the District shall make available for public inspection and copying all District records, or portions, except those which contain the following information:

1. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the 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 shall disclosure be denied for more than three (3) years after the appraisal;

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

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

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 shall provide the requesting party with reasons for the 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 a written explanation for the deletion.

The District shall not provide access to lists of individuals which the requesting party intends to use for commercial purposes or which the District reasonably believes shall 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 the purpose of recruitment. Parent(s)/guardian(s) shall have the right to object to and prohibit the release of information regarding their child.

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

Legal Reference: Title 2, Chapter 6, MCA § 2-6-109, MCA

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02
Relations with the Law Enforcement and Child Protective Agencies

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

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

Cross Reference: #3421 Child Abuse and Neglect
                  #4314 Disruption of School Operations

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

Policy History:
Adopted on: 11/9/98
Revised on:
Investigations and Arrests by Police

Police may be called to the schools at the request of the school administration. If the police wish to come to a school for official business, they first must contact the school administration. Contact between the school and the police department on matters involving students shall be made through the office of the principal or Superintendent and the officer of the police department.

The police have ample opportunity to talk to a student away from the school and before or after school hours. They should be encouraged to do so. Law enforcement authorities should only be allowed to conduct an interview in the school if they can show that special circumstances exist or if the interview is to be conducted at the request of the school. This determination should be made by the principal or Superintendent. Circumstances where the health, life, or safety of the child are at risk if the interview were conducted at home would come within this category, i.e., child abuse, etc.

Throughout this process, all attempts should be made to avoid embarrassing the student before his/her teacher and peers and to avoid disrupting the educational program of the student and the school.

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

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

C. If possible, the educational program of the student should not be disrupted to allow for police questioning by making the student miss class time.

D. Any questioning by police, if allowed, should be conducted in a private room or area where confidentiality can be maintained. This should be in an area removed from observation by or contact with other pupils and school personnel.

E. If law enforcement officials are to be allowed to question a student under the age of eighteen, a reasonable attempt shall be made to notify the parents except in cases of suspected child abuse or child neglect involving the parent. The parents should be given the opportunity to come to the school prior to the questioning.
F. If the parents are notified and able to attend, they should be allowed to be present at the interview. The school administrator should be present at the interview, but should not take part in any questioning. The administrator should at all times remain a neutral observer.

Policy History:
Adopted on: 11/9/98
Revised on:
Cooperative Programs with Other Districts and Public Agencies

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

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

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

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

Legal Reference: §§ 20-7-451 through 456, MCA
§ 20-7-800, et seq., MCA
§ 7-11-100, et seq., MCA

Authorization to create full service special education cooperative
Public recreation
Interlocal Agreements

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02
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 Sidney School District declares that, except in limited circumstances, Sidney School District should be off limits to registered sex offenders.

Employment

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

School Off Limits

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

This policy shall not be construed to impose any duty upon any administrator or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on or within one thousand (1,000) feet of school property to ascertain whether they are on the Registry. This policy shall only apply when administrators are actually aware that the person in question is on the Sex Offender Registry and that the offender’s victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within one thousand (1,000) feet of school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.
Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has a child attending the District, the administrator of the school where the child attends, with additional approval of the Superintendent shall be authorized to modify this policy’s restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property before or after dropping off his or her child, and the parent is prohibited from being in any part of the school building except the main office.

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

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

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the Superintendent for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

Legal Reference: § 46-23-501, MCA

Sexual or Violent Offender Registration Act

Sexual or Violent Offender Registry

Policy History:
Adopted on: 7/1/09
Reviewed on:
Revised on:
Sidney School District

COMMUNITY RELATIONS

Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB")

NOTE: This list of parental notice requirements may not be exhaustive. The only notices applying to districts that do not receive Title I funds are those regarding student privacy. The notices described in this administrative procedure are paraphrased; please see the specific NCLB section cited for the exact requirements.

Improving Basic Programs Operated by Local Educational Agencies

1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
   a. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
   b. Whether the teacher is teaching under emergency or other provisional status.
   c. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
   d. Whether paraprofessionals provide services to the student and, if so, their qualifications.

2. As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent’s child in each of the state academic assessments.

3. As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the parent’s child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child’s level of English proficiency, instructional method, how their child’s program will meet the child’s needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.
2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child’s education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):

   a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
   b. The reasons for the identification;
   c. An explanation of what the school identified for school improvement is doing to address the problem;
   d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
   e. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
   f. An explanation of the parents’ option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.

3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
   a. The availability of supplemental education services;
   b. The identity of approved providers of those services within the district or whose services are reasonably available in neighboring districts; and
   c. A brief description of those services, qualifications, and the demonstrated effectiveness of each such provider.

Parental Involvement

1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement policy, in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

2. As required by NCLB § 1118(c): Each school shall:

3. Convene an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school’s participation and to explain the requirements of the NCLB and the right of the parents to be involved;

4. Offer a flexible number of meetings;

5. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan under § 1114(b)(2);
6. Provide parents of participating children:
   • Timely information about programs under this part;
   • A description and explanation of the curriculum in use at the school, the forms of
     academic assessment used to measure student progress, and the proficiency levels
     students are expected to meet; and
   • If requested by parents, opportunities for regular meetings to formulate suggestions
     and to participate, as appropriate, in decisions relating to the education of their
     children, and respond to any such suggestions as soon as practicably possible.

Education of Homeless Children and Youths

1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the
   time any homeless child or youth seeks enrollment in the school and at least twice
   annually while the child or youth is enrolled in the school, to the parent or guardian of the
   child or youth (or, in the case of an unaccompanied youth, the youth) that:
   a. Shall be signed by the parent or guardian;
   b. Sets forth the general rights provided under this subtitle;
   c. Specifically states:
      • The choice of schools homeless children and youths are eligible to attend;
      • That no homeless child or youth is required to attend a separate school for
        homeless children or youths;
      • That homeless children and youths shall be provided comparable services,
        including transportation services, educational services, and meals through school
        meals programs;
      • That homeless children and youths should not be stigmatized by school personnel;
   d. Includes contact information for the local liaison for homeless children and youths.

2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless
   youth, the district shall ensure that the homeless liaison assists in placement or enrollment
   decisions, considers the views of such unaccompanied youth, and provides notice to such
   youth of the right to appeal.

3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of
   the educational rights of homeless children is disseminated where such children and
   youths receive services under this Act, such as schools, family shelters, and soup
   kitchens.
Persistently Dangerous Schools

If the district is identified as a persistently dangerous school,1 the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school as persistently dangerous.

2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.

3. For those students who accept the offer, complete the transfer.

In addition a district must also:

1. Develop a corrective action plan; and

2. Implement the plan in a timely manner.

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.

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1 “Persistently dangerous public elementary school or secondary school,” in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

(1) In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense has been committed on school property, and

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates –
   (a) more than five expulsions for a school of less than 250 students,
   (b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or
   (c) more than 15 expulsions for a school of more than 1,000 students
Student Privacy

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:

   a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
   b. Offer an opportunity for the parent to opt the student out of the activity.

2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., “The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”

Policy History:
Adopted on: 7/1/03
Revised on:
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The human resources of the Sidney Public School are very 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.

Policy History:
Adopted on: 11/9/98
Revised on:
Accommodating Individuals With Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. Where necessary, the District may provide to persons with disabilities separate or different aids, benefits, or services from, but as effective as, those provided to others.

The District will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities 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 the District’s 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.

   Institute plans to make information regarding Title II’s protection available to any interested party.

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.


Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Equal Employment Opportunity and Non-Discrimination

The District shall provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodations, and other legally protected categories.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose an undue hardship upon the District.

Inquiries regarding discrimination should be directed to the Title IX Coordinator. Specific written complaints should be directed to the Superintendent.


Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Sexual Harassment/Sexual Intimidation in the Workplace

The District shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

District employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms “intimidating”, “hostile”, or “offensive” include, but are not limited to, conduct which has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop.

Employees should report claims of sexual harassment to the Title IX Coordinator and/or use the grievance procedure attached to this policy. Employees may choose to report to a person of the employee’s same sex. Initiating a complaint of sexual harassment shall not adversely affect the complainant’s employment, compensation, or work assignments.

There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.
Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11
Montana Constitution, Art. X, § 1
§ 49-2-101, MCA - Human Rights Act

Policy History:
Adopted on: 11/9/98
Revised on:
I. Basic Procedural Rights

A. The Title IX (or Title IX/Section 504) Coordinator (or authorized individual) shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints. The Coordinator may be utilized as a resource by any party at any level of this procedure.

B. Relevant records shall be available in accordance with the Montana Constitution, Article II, Section 10, Right to Privacy and Guidelines for Student Records, Appendix E, Montana School Accreditation Standards and Procedures Manual, March 1989 and FERPA.

C. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies (Montana Human Rights Commission or the U.S. Dept. of Education Office for Civil Rights) or to seek private counsel for complaints alleging discrimination.

D. In the investigation of sexual harassment or sexual intimidation, the grievant may be accompanied by a friend, parent, or advisor for support during any part of the process.

E. Retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.

F. If a grievance is taken to the Board for a formal contested case hearing as provided by law, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

G. It is the policy of this District to process all grievances in a confidential manner, to the extent possible.

H. The District Superintendent, building principal or a trustee of the District may request that the Title IX Coordinator or any other authorized individual conduct an investigation of suspected violations of Title IX. The investigator will prepare a report as outlined in Level 2 of the grievance process.
II. Process

Level 1: Principal or Immediate Supervisor (Informal and optional--may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the principal or Coordinator. An exception is that complaints of sexual harassment should be discussed with the first line supervisor or administrator that is not involved in the alleged harassment.

Level 2: Title IX (Title IX/Section 504) or Other Authorized Grievance Coordinator

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance; 2) the remedy requested, and 3) be signed and dated by the grievant.

The Coordinator (or designated person) has authority to investigate all written grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator will prepare a written report of the investigation which may include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.

2. A statement of the facts as contended by each of the parties.

3. A statement of the facts as found by the Coordinator and identification of evidence to support each fact.

4. A list of all witnesses interviewed and documents reviewed during the investigation.

5. A narrative describing attempts to resolve the grievance.

6. The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.

7. If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The Coordinator will, if possible, complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance.
If the Superintendent agrees with the recommendation of the Coordinator, the recommendations will be implemented.

**Level 3: The Board of Trustees**

If the Superintendent rejects the recommendations of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2 or the Superintendent’s alternative recommendations, either party may make a written appeal within fourteen (14) days of receiving the report of the Coordinator to the Board. On receipt of the written appeal, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting.

**Level 4: County Superintendent**

The decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board pursuant to the Rules of School Controversy (10.6.103 et seq. ARM; see also Ridgeway) or the grievant may pursue the matter in any other forum provided by law.

Names, locations, and phone numbers of individuals to contact with questions or complaints:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

**Procedure History:**
Promulgated on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between the terms of a collective bargaining agreement and the District's policy, the law provides that the terms of the collective bargaining agreement shall prevail.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the Board to effectively and efficiently manage the District, shall govern.

Legal Reference: § 39-31-102, MCA

Chapter not a limit on Legislative Authority

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

5021

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Legal Reference: § 39-31-102, MCA Chapter not a limit on Legislative Authority

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

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. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

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

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

Cross Reference: 5122 Fingerprint and Criminal Background Investigations

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

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

Policy History:
Adopted on: 11/9/98
Revised on: 7/10/00, 7/01/03, 7/01/06
Sidney School District

PERSONNEL

Fingerprints and Criminal Background Investigations

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a 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 offer of employment or appointment shall be contingent upon results of the fingerprint criminal background check, which must be acceptable to the Board, in its sole discretion.

As a condition of employment applicants recommended for hire shall be required to submit to a fingerprint criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

*The requirement to fingerprint non-licensed substitutes was waived in whole by the trustees on November 10, 2003, if the substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002.

Legal Reference: § 44-5-301, MCA Dissemination of public criminal justice information
§ 44-5-302, MCA Dissemination of criminal history record information that is not public criminal justice information
§ 44-5-303, MCA Dissemination of confidential criminal justice information
ARM 10.57.113 Substitute Teachers
Public Law 105-251, Volunteers for Children Act

Policy History:
Adopted on: 11/9/98
Revised on: 11/10/03, 7/1/05, 7/01/06
AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I, ______________________________, am seeking employment or volunteer assignment with Sidney School District #1 and #5 (the District). I hereby expressly authorize the release of any and all information of a confidential or privileged nature, including confidential criminal justice information as defined in § 44-5-103(3), MCA, to the staff of the District and its agents.

I have _____ have not _____ been convicted or adjudicated* of any crime in any jurisdiction, besides minor traffic offenses. Attached, if necessary, is a complete description of the circumstances surrounding the crime(s) of which I have been convicted or adjudicated in any jurisdiction. I acknowledge that I have the right to obtain a copy of the fingerprint background check obtained by the District and to challenge its accuracy if necessary. I further acknowledge that my access to children may be denied prior to the completion of the fingerprint background check.

* Adjudication – A passing of judgment of a court of law or decision of a judge.

I hereby release the District and any organization, company, institution, or person furnishing information to the District and its agents as expressly authorized above, from any liability for damages which may result from any dissemination of the information requested, subject to the provisions of Title 44, Chapter 5, Part 3, MCA.

This document is effective until revoked in writing by me.

______________________________ __________________
SIGNATURE DATE

Print full name: _____________________________________________________________________

Print full address: ___________________________________________________________________

____________________________________________________________________

____________________________________________________________________

CITY STATE ZIP

Birth Date: _________________ Social Security Number: ________________________________

STATE OF MONTANA ) ss.

County of ________________ )

On this ______ day of _________________, 200__, before me, a Notary Public for the state of Montana, personally appeared ____________________________, known to me to be the person named in the foregoing Authorization to Release Information, and acknowledged to me that ______ executed the same as ______ free act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

______________________________________
[signature]

( SEAL ) NOTARY PUBLIC for the State of Montana
Residing at ________________, Montana
My commission expires: __________________
Staff Health

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board shall promote the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain optimum health through the practice of good health habits.

Under the circumstances defined below, the Board may require physical examinations of its employees. The district shall pay for all such physical examinations. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, a 30-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

All bus drivers, including full-time, regular part-time or temporary part-time drivers are required by state law to have a satisfactory medical examination prior to employment.

Communicable Diseases

If a staff person has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school nurse or other responsible person designated by the Board that he has a communicable disease which could be life threatening to an immune compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which s/he is contagious/infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The District reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.
Confidentiality

In all instances, District personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential file and only those with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

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

Cross Reference: [cross reference to EEO, personnel, discipline, suspension and dismissal, sick leave, etc. policies]

Legal Reference: 29 U.S.C. 794, Section 504 of the Rehabilitation Act
29 CFR, Section 1630.14(c)(1)(2)(3)
41 U.S.C. 12101 et seq., Americans with Disabilities Act
Title 49, Chapter 4, MCA, Rights of the Handicapped
Title 49, Chapter 2, MCA, Illegal Discrimination
§ 20-10-103(4), MCA
24.9.1401, et seq, ARM
16.28.101, et seq, ARM

Policy History:
Adopted on: 11/9/98
Revised on:
Medical Examinations

Applicants may be required to submit to examinations of fitness to perform the functions of the position which they are offered. Failure to meet these conditions constitutes grounds to disallow employment by the District. All physical fitness examinations must be performed by a physician licensed in Montana, or any other state, to practice medicine and surgery in any of its branches. The physical examination and the tuberculin tests must have been taken by the employee no more than 90 days before the employee’s submitting evidence to the School Board.

Any employee may be required to have an examination by a physician who is licensed in Montana to practice medicine and surgery in all its branches if the examination is job-related and consistent with business necessity. The Board will pay the expenses of any such examination.

Where a requirement for medical examination or certification is imposed upon an applicant or employee of the district by state regulation, the district shall not be obligated to pay for such certification.

Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
§ 39-2-301, MCA
16.28.1005 ARM

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL 5140

Classified Employment and Assignment

Each classified employee will be employed under a written contract of a specified term, of a beginning and ending date, within the meaning of § 39-2-912, MCA after the employee has satisfied the requisite probationary period of six (6) months. Should the employee satisfy the probationary period, such employees shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee’s duties, assignment, supervisor, or grade.

The Board will determine salary and wages for classified personnel.

Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period

Hunter v. City of Great Falls (2002), 2002 MT 331

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02, 7/01/06, 7/1/07
Assignments, Reassignments, Transfers

The right of assignment, reassignment, and transfer shall remain that of the District. Written notice of a reassignment or involuntary transfer shall be given to the employee. Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the Superintendent or his/her designee.

All teachers shall be given notice of their teaching assignments relative to grade level, building, and subject area before the beginning of the school year. All employees of the District who are assigned extracurricular activities as a contract obligation must honor this obligation as a condition of employment unless released from this responsibility by the Board.

In the event that changes in assignments are necessary because of unforeseen circumstances, affected teachers shall be given notice.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in the current negotiated agreement between the Board and the Sidney Education Association. Final placement of any employee will be made by the Superintendent.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Classified Personnel - Supervision of

The general and overall supervision of classified personnel shall be the duty of the Superintendent.

Under the direction of the Superintendent, the direct supervision of work and assignments is delegated to appropriate managers. "Manager" is defined as the administrative staff member to whom the classified employee has been assigned for work purposes, most typically a principal.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Work Day

Length of Work Day - Certified

All conditions pertaining to the certified work day, preparation periods, lunches, etc., are found in the current collective bargaining agreement. Arrival time shall generally be one-half (½) hour before classes begin, or as directed by the Building Principal.

Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be an 8-hour per day/40-hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor.

Breaks

A daily morning and afternoon rest period of fifteen (15) minutes shall be available to all full-time, classified employees. Hourly personnel may take one fifteen (15) minute rest period for each four (4) hours that are worked in a day.

Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee's supervisor.

Legal Reference:

- 29 USC 201 to 219
- 29 CFR 516, et seq.
- § 39-4-107, MCA
- § 39-3-405, MCA
- 10.55.209, ARM
- 10.65.103(2), ARM
- 24.16.102, et seq., ARM

Fair Labor Standards Act of 1985
FLSA Regulations
State and Municipal Governments, School Districts (First Class)
Overtime Compensation
Standard School Day
Program of Approved Pupil Instruction-Related Days
Wages and hours

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Evaluation of Non-Administrative Staff

Each classified staff member’s job performance shall be evaluated by his or her direct supervisor. The evaluation process includes scheduled annual evaluations, on forms applicable to the job classification, and day-to-day appraisals.

The supervisor shall provide a copy of the completed evaluation to the employee and shall provide an opportunity to discuss it. The original should be signed by the employee and filed with the Superintendent. As appropriate, supervisors should discuss job performance issues that require attention with employees.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Personal Conduct

Employees are expected to maintain high standards of honesty, integrity and impartiality in the conduct of District business.

In accordance with §§ 2-2-104, 2-2-105, and 2-2-125, MCA, an employee should not dispense or utilize any information gained from employment within the District, accept gifts or benefits, or participate in business enterprises or employment which creates a conflict of interest with the faithful and impartial discharge of his or her District duties. A District employee may, prior to acting in a manner which may impinge on his/her fiduciary duty, disclose the nature of his/her private interest which creates a conflict. Care should be taken to avoid using, or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees should hold confidential all information deemed to be not for public consumption as determined by state law and board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Discretion should be employed even within the school system's own network of communication.

Administration and supervisors may set forth specific rules and regulations governing employees’ conduct on the job within a particular building.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Political Activity - Staff Participation

The board recognizes its individual employees' right of citizenship, including, but not limited to, engaging in political activities. An employee of the District may seek an elective office, provided that the staff member 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. In the event the staff member is elected to office, the employee is entitled to take a leave of absence without pay, in accordance with the provisions of § 2-18-620, MCA.

No person 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 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 at his place of employment. However, nothing in this section is intended to restrict the right of a District employee to express personal political views.

Legal Reference:
- 5 USC 7321, et seq. Hatch Act
- 2-18-620, MCA Mandatory leave of absence for employees holding public office
- 13-35-226, MCA Unlawful acts of employers and employees

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Drug-Free Workplace

All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District.
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is one that is:

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained; or
- Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.
The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee’s conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: 41 USC 702, 703, 706

Drug-free workplace requirements for Federal grant recipients

Policy History:
Adopted on: 11/9/98
Reviewed on:
Revised on: 7/1/08
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The Superintendent shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

Legal reference: 49 U.S.C. § 2717, 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)

Policy History:
Adopted on: 11/9/98
Revised on:
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 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 6 months and participated in the drug testing program required by law within the previous 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.
Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for 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 2 hours or if a drug test is not administered within 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 8 hours after the accident for alcohol or within 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 25% of the average number of driver positions. The number of random drug tests annually must equal 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 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 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 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

**Enforcement**

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

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

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

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

**Return-to-Duty Tests**

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

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

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

A driver who violates the District’s drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District’s policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

the person designated by the District to answer driver questions about the materials;

the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;

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;

specific information concerning driver conduct that is prohibited by Part 382;

the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
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;

the requirement that a driver submit to drug and alcohol tests administered in accordance
with Part 382;

an explanation of what constitutes a refusal to submit to a drug or alcohol test and the
attendant consequences;

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;

the consequences for drivers found to have an alcohol concentration of 0.02 or greater but
less than 0.04; and

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 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.

Policy History:
Adopted on: 11/9/98
Revised on: 07/01/03
Prevention of Disease Transmission

All schools shall provide a healthy environment and shall adopt procedures recommended by public health officials for handling body fluids.

All District personnel shall be advised of routine procedures to follow in handling body fluids. These procedures shall provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The administration shall develop, in consultation with public health and medical personnel, procedures to be followed by all staff. The procedures shall be distributed to all staff and training on the procedures shall occur on a regular basis. Training and appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

In addition to insuring that these health and safety procedures are carried out on a District-wide basis, special emphasis shall be placed on those areas of school district operation that present a greater need for these precautions.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Personnel Records

The District maintains a complete personnel record for every current employee and former employee. The employees’ personnel records shall be maintained in the District’s administrative office, under the Superintendent’s direct supervision. An employee will be given access to his or her personnel records, according to the guidelines developed by the Superintendent.

In addition to the Superintendent or other designees, a committee or member of the Board, when authorized through Board action, may have access to cumulative personnel files. Counsel retained by the Board or the employee shall also have access to a cumulative personnel file, when specifically authorized by the Board or Superintendent, respectively.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of District employees is governed by Policy 4340.

Cross Reference: 4340 Public Access to District Records

Legal Reference: 10.55.701, ARM Board of Trustees
No Child Left Behind Act of 2001, P.L. 107-334

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

PERSONNEL

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 college 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 file 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 his 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 the employee has received a copy of the material. If the employee refuses to sign the document indicating they have 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 19;
D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss);
E. Time of day and day of week on which the employee's work week begins;
F. Basis on which wages are paid (such as $5/hour, $200 week, etc.);
G. Any payment made which is not counted as part of the "regular rate;"
H. Total wages paid each pay period.

2. Additional records required for non-exempt employees:

A. Regular hourly rate of pay during any week when overtime is worked;
B. Hours worked in any work day (consecutive 24 hour period);
C. Hours worked in any work week (or work period in case of 207[k]);
D. Total daily or weekly straight-time earnings (including payment for hours in excess of 40 per week, but excluding premium pay for overtime);
E. Total overtime premium pay for a work week;
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 discusses 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 years.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
§ 2-6-101, et seq. MCA Public Records
24.9.805, ARM Employment Records

Procedure History:
Promulgated on: 11/9/98
Revised on:
Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Family Services. The employee shall notify the Superintendent or Building Principal the report has been made.

Any of the District’s employees who fail to report to the Department of Family Services known or suspected cases of child abuse or neglect, or who prevent another person from reasonably doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and are guilty of a misdemeanor. These persons will also be subject to disciplinary action, including discharge, by the Board.

Legal Reference:

- § 41-3-201, MCA Reports
- § 41-3-202, MCA Action on reporting
- § 41-3-203, MCA Immunity from liability
- § 41-3-205, MCA Confidentiality - disclosure exceptions
- § 41-3-207, MCA Penalty for failure to report

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Sidney School District
Report of Suspected Child Abuse or Neglect

Original to: Department of Family 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 Step-Parent: __________ 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 Family Services (DFS to complete and return copy to the Building Principal):

Date Received: __________ Date of Investigation: __________
Sidney School District

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.

To fulfill this commitment, the following policy has been established:

- 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 business-like 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 problem-solving procedure.

- No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, business-like manner, or for using the problem-solving procedure.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

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

Level 1: Informal

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

Level 2: Principal

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Principal within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the Principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the Principal’s decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the Principal’s decision. This request must be submitted to the Superintendent within fifteen (15) days of the Principal’s decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees
with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

**Level 3: Superintendent**

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Principal. The parties shall be afforded the opportunity to either dispute or concur with the Principal’s report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the Principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent’s decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

**Level 4: The Board**

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

**Level 5: County Superintendent**

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

**Procedure History:**
Promulgated on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Resignations

Certified personnel will generally be expected to fulfill the terms of their contract.

Classified employees (i.e. non-certified employees) are expected to give due written notice that will permit the district to conduct a search for a suitable replacement. Generally speaking, the Trustees expect a two-week notice.

All resignations should be in writing. The immediate supervisor shall be informed in writing of the resignation and a copy of the resignation shall be delivered by the employee to the personnel office.

Notice of resignations shall be transmitted to the Board as part of the regular personnel report.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Retirement Programs for Employees

All employees of the District shall participate in the retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System according to state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing prior to April 1 of that year.

Those employees intending to retire who are not contractually obligated to complete the school year should notice the Superintendent as early as possible and no less than sixty (60) days prior to their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

The District will contribute to the PERS whenever a classified employee is employed for more than the equivalent of 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 System

Policy History:  
Adopted on: 11/9/98  
Revised on:
Sidney School District

PERSONNEL

Disciplinary Action

District employees who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisors or who conduct themselves on or off the job in ways that affect their effectiveness on the job or in other such ways that the law determines to be good cause shall be subject to discipline. Behavior, conduct, or action which may institute disciplinary action or dismissal may include, 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 business reason.

Discipline shall be reasonably appropriate to the circumstance and shall include, but is not limited to, the supervisor's right to reprimand and the Superintendent's right to suspend with or without pay or impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate or non-renew an employee.

The Superintendent is authorized to suspend a staff member immediately.

Legal Reference:
§ 20-3-324, MCA Powers and Duties
§ 20-4-207, MCA Dismissal of Teacher Under Contract
§ 20-3-210, MCA Controversy Appeals and Hearings
§ 39-2-903, MCA Definition of good cause

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Reduction in Force

The Board has the exclusive authority to determine the appropriate number of employees. A reduction of 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 situation considerations, or other reasons deemed relevant by the Board. The requirements stated in the Collective Bargaining Agreement covering employees in the certified collective bargaining unit and the Board, regarding the reduction in force of such employees, shall be followed.

Legal Reference: § 20-4-206(4), MCA Notification of nontenure teacher reélection

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Employee Assistance Program (Optional)

The District will provide an Employee Assistance Program (EAP) that will assist employees and their dependents in dealing with the personal problems that pose a threat to their health, well-being and/or possibly their jobs. The EAP may help with a wide range of problems employees face such as alcoholism, drug abuse, emotional problems or other personal concerns. The scope of assistance will be limited to (1) initial assessment and referral; (2) up to three short-term counseling sessions with the District's external EAP coordinator; and (3) awareness/education services on the effects of drug/alcohol and other addictions, stress management and/or other areas of personal problems. Subsequent services which may be indicated may be partially covered by applicable provision of health insurance, with the employee being responsible for any remainder of services provided. Confidential assistance is made available through special arrangements by the District with a confidential external EAP coordinator. The external EAP coordinator will coordinate with the Personnel Services Department of the School District. No services, beyond the three listed in this policy as the scope of this program, will be provided to employees except in those specifically covered in the District's employee benefit plan.

Implementation of this program will not require or result in any special regulations, privileges or exceptions from the standard administrative practices applicable to job performance, except as may be outlined in a labor-management agreement. The EAP is complimentary to, but not a substitute for, adequate job performance.

The District must provide a safe environment for all students, patrons and employees of the District. Therefore, precautions will be taken to insure that an employee's condition does not present a health and/or safety threat to students, patrons or other employees in any instance.

Policy History:
Adopted on: 11/9/98
Revised on:
Substitute Teachers

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

The Principals of each building shall arrange for the substitute to work for an absent teacher. Under no condition is a teacher to select or arrange for his or her substitute.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given substitutes. Discretion is given to the Superintendent, with the Board Chairman’s approval, to increase substitute rates during times of emergency. Such action will be reviewed and approved by the Board at the next Board meeting.

All substitute teachers will be required to undergo fingerprint and background checks. All substitute teachers hired prior to November 28, 2002 are exempted from the requirement for a criminal background investigation.

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/04
Sidney School District

PERSONNEL

Classified Substitute Pay Plan

Substitutes for classified positions will be paid by the hour. Where 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.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Leaves of Absence

Sick and Bereavement Leave

Certified employees shall be granted 13 days of sick leave, with full pay, per school year. Employees contracted for less than 187 days shall be granted sick leave on a pro rata basis. Certified employees may use their sick leave according to the terms of the current collective bargaining agreement.

Classified employees shall be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. “Immediate family” shall mean the employee’s spouse, and any member of the employee’s household, or any parent, child, grandparent, grandchild, sibling or corresponding in-law. Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the District in accordance with this policy and the governing collective bargaining agreements.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a paid status. Abuse of sick leave is cause for discipline, up to and including termination.

Personal Leave

Teachers will be granted a total of four (4) days leave of absence for personal reasons which require the teacher’s absence during working hours. The following amounts will be deducted from a teacher’s salary for each day used. The amount deducted for one-half (½) day will be one-half (½) the amount listed.

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<th>Day</th>
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Two days advance notice of intent to use personal leave will be given to the administration, except during periods of emergency. Each Building Principal, with approval from the Superintendent, may allow up to three (3) teachers personal leave prior to or following each school vacation or holiday. These leaves will be granted on a first-come, first-served basis.
**Association Leave**

Fifteen (15) work days will be authorized for the attendance of Association officers and delegates to Association meetings. During any year, when the Association has not used the 15 days for that year, it may carry five (5) days over for the subsequent year, not to exceed 20 days in any one (1) year. The Sidney Education Association will pay the substitute costs for all Association leave days taken.

**Civic Duties Leave**

Leaves for service on either a jury or in the legislature shall 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.

**Leave of Absence Without Pay**

The Board may grant leave of absence without pay to tenured certified staff members who have rendered satisfactory service and desire to return to employment in a similar capacity, at a time mutually consistent with the District needs as determined by the Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave’s purpose, consistent with the reasonable continuity of instruction for students. Employees on extended leave shall generally be entitled to return to the same position which they held immediately before commencement of leave or to positions of comparable responsibility and remuneration. Employees may also carry over, without any loss, sick leave or years of service up to the time of the employee’s approved leave, except that the employee shall not accrue sick leave, annual vacation leave, nor additional service time toward seniority during any unpaid leave of absence.

The Board reserves final approval of all discretionary extended leave requests, whether with or without pay.

**Long-Term Illness and Maternity Leave**

The District enables its employees to use sick leave for long-term illness or temporary disability, and upon the expiration of sick leave, to 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, child birth, 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 from any long-term illness or temporary disability, including pregnancy, miscarriage, child birth, and recovery therefrom, shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits or 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.

Legal Reference: 42 USC 2000e
§ 2-18-601(10), MCA
§ 2-18-618, MCA
§ 49-2-310, MCA
§ 49-2-311, MCA

Equal Employment Opportunities
Definitions
Sick leave
Maternity leave - unlawful acts of employer
Reinstatement to job following pregnancy - related to leave of absence

Policy History:
Adopted on: 11/9/98
Revised on: 07/01/06
Sidney School District

PERSONNEL

Conditions for Use of Leave

Certified staff may use sick leave for those instances listed in the current collective bargaining agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-related disability, including prenatal care, birth, miscarriage, 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 on this list.

Accrual and Use of Sick Leave Credits

Certified employees shall 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. Sick leave credits accrue from the first day of employment. A classified employee must be continuously employed for the qualifying period of 90 calendar days in order to use sick leave. Sick leave may not be advanced nor may leave be taken retroactively. 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. A seasonal classified employee's accrued sick leave credits may be carried over to the next season, if management has a continuing need for the employee or, alternatively, may be paid out as a lump sum to the employee when the season ends, in accordance with ARM 2.21.141.

Persons, whether classified or certified, simultaneously employed in two or more positions, will accrue sick leave credits in each position according to the number of hours or the proration of the contract (in the case of certified) worked. Leave credits will be used only from the position in which the credits are earned and with the 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 40 hours in a work week that are paid as overtime hours or are recorded as compensatory time hours. A full-time employee shall not earn less than or 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 exceeding 15 working days, the amount of time on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding 15 working days is not a break in service and the employee
will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of 15 working days or less will be counted as time earned toward the 90-day qualifying period.

**Calculation of Sick Leave Credits**

Certified employees shall earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees shall earn sick leave credits at the rate of 12 working days for each year of service. Sick leave credits shall 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**

A sick leave bank, administered by the District, is available to certified employees covered by the contract. Individual teacher participation is voluntary and initiated by an irrevocable one-day contribution of sick leave from the employee’s personal account, if that employee elects this option. Membership is maintained as long as the employee remains employed by the District and makes any necessary additional contributions to maintain the bank’s minimum level. A minimum level of 30 contributed days is required to maintain the bank.

Upon exhaustion of all personal leave and individual sick leave, a member employee may apply to the Superintendent for approval to use up to 12 days of sick leave from the bank in any one (1) school year. The application for use of sick leave bank days shall be in writing and include an explanation of need. In case of denial by the Superintendent of the request, the employee may submit the request to the Board for consideration.

**Lump Sum Payment Upon Termination for Classified Employees**

When a classified employee terminates from the District, the employee is entitled to cash compensation for unused sick leave credit equal to one-fourth of the compensation the employee would have received if the employee had used the 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 Worker's Compensation benefits. Use of sick leave must be coordinated with receipt of Worker's Compensation benefits.
on a case-by-case basis by contacting the Montana Schools Group Workers’ Compensation Risk Retention Program (WCRRP).

**Sick Leave Substituted for Annual Leave**
A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

**Procedure History:**
Promulgated on: 11/9/98
Revised on:
Sidney School District

PERSONNEL 5322

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees 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 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 full month in advance of the return date.

§10-1-1004, MCA Rights under federal law
§10-1-1005, MCA Prohibition against employment discrimination
§10-1-1006, MCA Entitlement to leave of absence
§10-1-1007, MCA Right to return to employment without loss of benefits – exceptions – definition
§10-1-1009, MCA Paid military leave for public employees

Policy History:
Adopted on: 7/1/07
Revised on:
Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Servicemember Family Leave

Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single twelve-(12)-month period.

An employee is eligible to take FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested, and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Employees will (not) be required to use appropriate paid leave while on FMLA leave. Workers’ compensation absences will (not) be designated FMLA leave.

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is July 1 to June 30.

The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.
Legal Reference: 29 CFR 825, 29 USC 2601, et seq. - Family and Medical Leave Act of 1993
§§2-18-601, et seq., MCA Leave Time
§§49-2-301, et seq., MCA Prohibited Discriminatory Practices

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/09
Family Medical Leave

Who Is Eligible

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks or twenty-six (26) weeks leave with continuing participation in the District’s group insurance plan.

Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

a. To care for the employee’s child after birth, or placement for adoption or foster care;
   b. To care for the employee’s spouse, child, or parent (does not include parents-in-law) who has a serious health condition;
   c. For a serious health condition that makes the employee unable to perform the employee’s job;

Military Family Leave

a. Military Caregiver Leave
   1. An eligible employee who is a relative of a servicemember can take up to 26 weeks in a 12 month period in order to care for a covered servicemember who is seriously ill or injured in the line of duty.
   b. Qualified Exigency Leave (only applies to eligible employees with family members who are in the National Guard or Reserves, not the Regular Armed Forces)
      1. An eligible employee can take up to the normal 12 weeks of leave if a family member who is a member of the National Guard or Reserve is called up to active duty on a contingency mission.
      2. Qualifying Exigencies include:
         a. Short-notice deployment
         b. Military events and related activities
         c. Childcare and school activities
         d. Financial and legal arrangements
         e. Counseling
f. Rest and recuperation  
g. Post-deployment activities; and  
h. Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.

b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.

c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.

d. Whenever appropriate workers’ compensation absences shall be designated FMLA leave.

e. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

When Both Parents Are District Employees

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken: (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve (12) month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.

Employee Notice Requirement

The employee must follow the employer’s standard notice and procedural policies for taking FMLA.

Employer Notice Requirement (29 C.F.R. §825.300)

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an
employer must provide notice to the employee within five (5) business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee’s FMLA entitlement.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave is foreseeable, whether because the spouse or a son, daughter, or parent of the employee is on active duty or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as soon as is reasonable and practicable.

Requests

A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

An employer may require that a request for leave be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.

Medical Certification

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second (2nd) or third (3rd) opinions (at the employer’s expense) and a fitness-for-duty report or return-to-work statement.

Intermittent/Reduced Leave

FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with District approval. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District’s payroll system uses to account for absences or use of leave.
Insurance

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease.

Return

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Recordkeeping

Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

Summer Vacation

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

a. The leave is at least three (3) weeks; and
b. The employee’s return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

a. The leave is longer than two (2) weeks; and
b. The employee’s return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than three (3) weeks before the end of term, the District may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave

Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the District to:

a. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
b. Transfer to an alternate but equivalent position.

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/1/09
Extended Medical Leave of Absence

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

An employee is eligible to take Extended Medical Leave of Absence if he/she has been employed for at least 12 months and is not eligible for leave under the provisions of the Family Medical Leave Act of 1993.

Employees will be required to use appropriate paid leave while on Extended Medical Leave of Absence. Workers’ Compensation absences will be designated Extended Medical Leave of Absence.

The Board has determined that the 12-month period during which an employee may take extended medical leave of absence is: Beginning July 1st and ending June 20th of the next year.

At the discretion of the Superintendent, medical certification may be required to determine initial or continued eligibility as well as fitness for duty under this policy.

Advance Notice

Employees must provide thirty (30) days advance notice when the leave is “forseeable.” In other situations an employee must give notice as soon as practicable. Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying the District may result in the delay or denial of leave.

Requests

A leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.
Medical Certification

The District may require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense), and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work statement.

Intermittent/Reduced Leave

Extended Medical Leave of Absence may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the District. Where leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the district’s payroll system uses to account for absences or use of leave.

Insurance

An employee out on Extended Medical Leave of Absence is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying his/her usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if his/her premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease.

Return

Upon return from Extended Medical Leave of Absence reasonable effort shall be made to place the employee in his/her original or equivalent position with equivalent pay, benefits, and other employment terms.

Record Keeping

Employees, supervisors, and building administrators will forward requests, forms and material to payroll to facilitate proper record keeping.

Summer Vacation

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employees Extended Medical of Absence entitlement.

Policy History:
Adopted on: 6/12/00
Revised on: 8/23/00, 7/01/09
CLASSIFIED & ADMINISTRATIVE PERSONNEL SICK LEAVE BANK

A sick leave bank, administered by the district, is available to all classified employees and district administrators. Individual participation is voluntary and initiated by an irrevocable one (1) day contribution from an employee's personal account if that employee elects this option. An employee covered by the policy is eligible to utilize and contribute to this sick leave bank on the first anniversary date of his/her initial hire in the Sidney School District. An employee who chooses not to participate in the sick leave bank on his/her first anniversary date forever forfeits the opportunity for membership in the sick leave bank. Membership is maintained as long as the employee remains employed by the Sidney School District and makes any necessary additional contributions to maintain the bank's minimum level. A minimum level of 200 hours is required to maintain the bank.

Upon exhaustion of all annual leave and individual sick leave, a member employee may apply to the Superintendent for approval to use up to twelve (12) days of sick leave from the bank in any one school year. The application for use of sick leave bank days shall be in writing and include an explanation of need.

For purposes of this policy a day is defined as the number of hours regularly worked on a daily basis by the employee as stipulated on the Notice of Re-hire.

Policy History:
Adopted on: 6/12/00
Revised on: 8/23/00
Insurance Benefits for Employees

Newly hired employees will be eligible for insurance benefits offered by the District for the particular bargaining unit to which the employee belongs, with the exceptions noted below:

1. Classified employees who work 40 hours per week will be eligible for the group health, dental and life insurance benefit.

2. An employee employed during the previous academic year who does not work during the summer shall be eligible to continue group health, dental and life insurance coverage during the summer months. For certified personnel the district will pay the portion of the premium required by the collective bargaining agreement.

A classified employee who works less than 12 months shall have his/her premium paid for summer months in the same portion as existed during the academic year, provided the employee will be returning to the position for the ensuing school year.

If an eligible employee wishes to discontinue or change health insurance coverage, it is incumbent upon the employee to initiate the action by contacting the personnel office and completing the appropriate forms. A medical examination at the expense of the employee may be required if the employee elects to join the District health insurance program after initially refusing coverage during the "open season" (July).

Anniversary dates of the health and dental insurance policies for the District shall be July 1st through June 30th.

Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
§ 2-18-703, MCA Contributions

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02, 7/1/05
Holidays

Holidays for certified staff are dictated by the school calendar, in part. Temporary employees shall not receive holiday pay. Part-time employees shall receive holiday pay on a pro-rated 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 the conduct of school would interfere with the election process of the polling place.

In those cases where an employee, as defined above, is required to work any of these holidays, other days shall be granted in lieu of such holidays, unless the employee elects to be paid for the holiday in addition to his or her regular rate of pay for all time worked on the holiday.

In cases where one of the above holidays falls on Sunday, the following Monday shall not be a holiday. In those cases where one of the above holidays falls on Saturday, the preceding Friday shall not be a holiday.

If a holiday(s) occurs during the period in which vacation is being taken by an employee, the holiday(s) shall not be charged against the employee's annual leave.

Legal Reference: § 20-1-305, MCA School Holidays

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Vacations

Policy and Objectives

The classified and 12-month administrative staff shall 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 of the granting of specific days as annual vacation leave in any instance. Each request will be judged by the District in accordance with this policy. Employees of less than six months duration will not accrue vacation benefits.

Legal Reference: § 2-18-611, MCA Annual Vacation Leave
§ 2-18-612, MCA Rate Earned
§ 2-18-617, MCA Accumulation of Leave

Policy History:
Adopted on: 11/9/98
Revised on:
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**

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Credit per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day - 10 years</td>
<td>15</td>
</tr>
<tr>
<td>10 - 15 years</td>
<td>18</td>
</tr>
<tr>
<td>15 - 20 years</td>
<td>21</td>
</tr>
<tr>
<td>20 years on</td>
<td>24</td>
</tr>
</tbody>
</table>

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.

**Sick Leave Bank**

An employee may contribute accumulated vacation leave to the sick leave bank provided for in § 2-18-618, MCA. Donation of vacation leave credits to and use of vacation leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

**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

Procedure History:
Promulgated on: 11/9/98
Revised on: 7/1/01, 7/1/05, 7/1/08, 7/1/09
Workers' Compensation Benefits

All employees of the District are covered by Worker's Compensation benefits. In the event of an industrial accident, an employee should:

1. attend to first aid and/or medical treatment if emergency prevails;
2. correct or report as needing correction the hazardous situation as soon as possible after the emergency is stabilized;
3. report the injury or disabling condition (whether actual or possible) to the immediate supervisor within 48 hours on the Employers First Report of Occupational Injury or Disease; and
4. call or visit the District Personnel Office after medical treatment if needed to complete the necessary report of accident and injury, the Occupational Injury or Disease Form.

The Personnel Department shall notify the immediate supervisor of the report, and shall include the immediate supervisor in completing the report as required.

An employee who is injured in an industrial accident may be eligible for Worker's Compensation benefits. By law, use of sick leave must be coordinated with receipt of Worker's Compensation benefits on a case-by-case basis by contacting the Worker's Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident. The District shall investigate as it deems appropriate to determine (1) whether continuing hazardous conditions exist that need to be eliminated, and (2) whether in fact an accident attributable to the District's working environment did occur as reported. The District may require the employee to authorize his/her physician to release pertinent medical information to the District's personnel office or to a physician of the District's choice should an actual claim be filed against the Worker's Compensation Division which could result in additional fees levied against the District.

*An employee who elects to receive Worker's Compensation benefits shall, upon commencement of the benefits, be considered in a Leave Without Pay status, and shall no longer be eligible for District group insurance benefits except as may be required by the Family Medical Leave Act and to the extent provided for all employees on Leave Without pay status, i.e., that all premiums are due in advance on a monthly basis for the duration of the Leave without Pay. The District will discontinue its contributions for group insurance on behalf of any employee on a Leave Without Pay status at the end of the month in which Leave Without Pay commences.

Legal Reference: § 39-71-101, et seq., MCA Workers' Compensation

Policy History:
Adopted on: 11/9/98
Revised on:
Teachers’ Aides/Paraeducators

Teachers’ aides/paraeducators, 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 paraeducators will encompass a variety of tasks that may be inclusive of “limited instructional duties.”

Paraeducators are employed by the District mainly to assist the teacher. A paraeducator 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 paraeducators with instructional duties, that are newly hired in a Title I school-wide program, to have:

I. Completed at least two (2) years of study at an institution of higher education;

I. Obtained an Associate’s or higher degree; or

I. 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.

Paraeducators hired before January 8, 2002, have until January 1, 2006, to meet these standards.

It is the responsibility of each principal and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator 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 paraeducator to assist in reading, writing, and mathematics instruction.

The Superintendent shall develop and implement procedures for an annual evaluation of teachers’ aides/paraeducators. Evaluation results shall be a factor in future employment decisions.

Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/03
Sidney School District

PERSONNEL

Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. has not entered into an express or implied compensation agreement with the District;
2. is excluded from the definition of "employee" under the appropriate state and federal statutes;
3. may be paid expenses, reasonable benefits and/or nominal fees in some situations; and
4. is not employed by the District in the same or similar capacity for which he/she is volunteering (e.g. a teacher cannot volunteer to teach although he/she could volunteer to type or file), as prescribed by the Federal Fair Labor Standards Act.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground and on field trips; and an appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken. The Superintendent shall develop and implement procedures for the utilization of volunteers within the District.

Volunteers who are formally acting on behalf of and are assisting in school projects shall be covered by the District's liability insurance. This does not alleviate a volunteer, as is the case with an employee, from exercising appropriate judgment and responsibility in the discharge of all duties in accordance with the policies of the Board.

Volunteers who have unsupervised access to children are subject to the District’s policy mandating background checks for certain individuals operating within the District.

Cross Reference: #5122 Criminal Background Investigations

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

PERSONNEL

Student Teachers/Interns

The District recognizes its obligation to assist in the development of members of the teaching profession. The District shall make an effort to cooperate with accredited institutions of higher learning in the education of student teachers and other professionals in training (such as interns) by providing a reasonable number of classroom and other real life situations each year.

The District and the respective training institutions shall enter into mutually satisfactory agreements whereby the rules, regulations and guidelines of the practical experiences shall be established.

The Superintendent or his/her designee shall coordinate all requests from cooperating institutions for placement with building principals so that excessive concentrations of student teachers and interns shall be avoided. As a general rule:

1. a student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;

2. a supervising professional shall be assigned no more than one student teacher/intern per school year;

3. the supervising professional shall remain responsible for the class; and

4. the student teacher shall assume the same conditions of employment as a regular teacher with regards to meeting the health examination requirements, length of school day, supervision of co-curricular activities, staff meetings and in-service training.

(4) the student teacher shall submit to a criminal background check.

Legal Reference: § 20-4-101(2,3), MCA System of Teacher and Specialist Certification

Cross Reference: 5122 Criminal Background Investigations

Policy History:
Adopted on: 11/9/98
Revised on:
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 owned by the District and are intended to be used for educational purposes only. While occasional personal use is allowed, employees should have no expectation of privacy when using the electronic mail or Internet systems for any purpose.

Users of District e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the 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.

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/08
Sidney School District

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, 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) days of separation.

If no charges are filed within fifteen (15) days of the filing of a report with law enforcement, wages are due within a fifteen-(15)-day period.

Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from employment prior to payday – exceptions

Policy History:
Adopted on: 7/1/07
Revised on:
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

Nicole Beyer has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District’s policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District’s privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA’s privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan’s policies and procedures upon request.
Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District’s privacy practices related to the use and disclosure of PHI. A copy of this notice follows as XXXXF or may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District’s employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to disciplined, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient’s written permission other than for treatment, payment, or healthcare operations purposes.
An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient’s medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan’s policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District’s group health plan’s policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan’s business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA’s privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.
The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based 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:

Nicole Beyer  
District Clerk  
Sidney Public Schools  
Sidney, Montana 59270

Policy History:  
Adopted on: 7/01/04  
Revised on:
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Sidney School District

ADMINISTRATION

Goals

The administrative staff’s primary functions are to manage the District and to facilitate the implementation of a quality educational program. It is the goal of the administrative organization to:

- provide effective and efficient management of the District’s programs and buildings;
- provide educational leadership;
- develop and maintain channels for communication between the school and the community;
- develop an administrative procedures manual implementing Board policy; and
- plan, organize, implement, and evaluate the educational programs of the District.

Policy History:
Adopted on: 11/9/98
Revised on:
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 School Board policy.

The Superintendent may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board policies or by Board vote. 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 with all Board members present. The evaluation shall include a discussion of professional strengths, as well as performance areas needing improvement. The Board shall provide a written summary of the evaluation to the Superintendent.

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: § 20-4-401, 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

Policy History:
Adopted on: 11/9/98
Revised on: 12/11/07
Evaluation of the Superintendent

The Superintendent shall be evaluated on the basis of specific Board/Superintendent-developed performance objectives and the job description for the position of Superintendent.

Each year, the Board shall conduct a formal evaluation session with the Superintendent. The attached form shall provide an outline for the evaluation session.

In their discussion, the trustees shall arrive at a composite Board evaluation of the Superintendent. A written composite, signed by the members of the Board, shall be presented to the Superintendent in the executive session. This written evaluation shall be supplemented by a discussion.

Individual evaluation forms shall be turned over to the Board Chair, who shall then meet with the Vice-Chair to compile the results and prepare a composite evaluation. The composite evaluation, together with all written comments, shall be provided to all Board members for review prior to the conference with the Superintendent.

Quarterly Meetings

The quarterly meetings are designed to provide the Board with an opportunity to inquire about progress toward achieving established goals and conduct periodic reviews of the performance of the Superintendent. The purposes of the quarterly meetings are as follows:

- By January 15th the Board conducts the formal performance evaluation of the Superintendent of Schools and the Superintendent provides a report to the Board regarding goal attainment. A written summary of the evaluation will be provided to the Superintendent and a copy will be placed in the personnel file of the Superintendent.
- By April 15th a final report of goal attainment will be provided by the Superintendent. Additionally, the Board and Superintendent will discuss and establish goals for the upcoming school year.
- By July 15th the Superintendent meets with the Board to discuss progress on achieving the goals and receive input from the Board.
- By October 15th the Superintendent meets with the Board to discuss progress on achieving the goals and receive input from the Board.

Board Training

The Board will annually receive training in evaluation of the Superintendent that will occur no later than the regular School Board meeting or appropriate committee meeting in the month of June in each calendar year.

NOTE: An evaluation process requires a job description for the Superintendent.
Sidney Public Schools
Superintendent Evaluation Form

Montana State law and the adopted policies of the Sidney Public Schools require the Board of Trustees to conduct an evaluation of the Superintendent of Schools. These procedures shall include performance statements dealing with policy and governance; planning and assessment; instructional leadership; organizational management; communications and community relations and professionalism. This process of performance evaluation is centered on the work of DiPaola and Stronge (2003).

In 2003 DiPaola and Stronge identified six professional Domains for trustees to utilize in evaluating the Superintendent of Schools. Within the six Domains are performance standards and performance indicators to assist the Trustees in conducting the evaluation. Performance standards describe the standards for superintendents and guarantee the superintendent is evaluated based on what he/she was hired to accomplish. Performance Indicators describe, in observable behaviors, the types and quality of performance associated with the major job responsibilities (performance standards). The six Domains are presented together with the standards and examples of the performance indicators associated with each standard. The Domains, Standards and Indicators developed by DiPaola and Stronge will be utilized to conduct the evaluation of the Superintendent of Schools and are intended to address the requirements of the adopted Sidney Public Schools policies.

The rating scale is interpreted in the following manner:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Exceeds Criteria/Expectations</td>
<td>The superintendent surpasses required standards, consistently producing exemplary work that optimizes district goals and priorities</td>
</tr>
<tr>
<td>Meets Criteria/Expectations</td>
<td>The performance of the superintendent consistently fulfills standards resulting in quality work that affects district goals and priorities in a positive manner. <strong>This rating is a high performance standard and is expected of all superintendents.</strong></td>
</tr>
<tr>
<td>Needs Improvement/Requires Assistance**</td>
<td>The superintendent inconsistently meets standards resulting in less than quality work performance where district goals and priorities need improvement.</td>
</tr>
<tr>
<td>Unsatisfactory**</td>
<td>The superintendent does not adequately fulfill responsibilities, resulting in inferior work performance and negatively influencing district goals and priorities.</td>
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**If the category of Needs Assistance or Unsatisfactory is selected as the level of performance for the Superintendent of Schools the trustee is required to provide specific examples explaining the area of concern. Trustees are encouraged to provide comments when responding to each performance standard.
This form is to be completed by the Sidney School Board on an annual basis to document the performance of the Superintendent of Schools based on the following Domains, Standards and Indicators.

**Domain G: Policy and Governance**

**Performance Standards**

**G-1.** The superintendent works with the school board to develop and implement policies that define organizational expectations.

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**G-2.** The superintendent functions as the primary instructional leader for the school district, relying on support from staff as necessary when advising the school board.

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<th>Exceeds Expectations</th>
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**G-3.** The superintendent oversees the administration of the school district’s day-to-day operations.

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**G-4.** The superintendent works with all individuals, groups, agencies, committees and organizations to provide and maintain schools that are safe and productive.

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**Domain A: Planning and Assessment**

**A-1. The superintendent effectively employs various processes for gathering, analyzing and using data for decision making.**

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Comments:

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**A-2. The superintendent organizes the collaborative development and implementation of a district strategic plan based on analysis of data from a variety of sources.**

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**A-3. The superintendent plans, implements, supports and assesses instructional programs that enhance teaching and student achievement of the state educational standards.**

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**A-4. The superintendent develops plans for effective allocation of fiscal and other resources.**

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Domain L: Instructional Leadership

L-1. The superintendent communicates a clear vision of excellence and continuous improvement consistent with the goals of the school district.

L-2. The superintendent oversees the alignment, coordination and delivery of assigned programs and/or curricular areas.

L-3. The superintendent provides staff development programs consistent with program evaluation results and school instructional improvement plans.

L-4. The superintendent identifies, analyzes and resolves problems using effective problem-solving techniques.

L-5. The superintendent assesses factors affecting student achievement and serves as an agent of change for needed improvements.

L-6. The superintendent ensures that curricular design, instructional strategies and learning environments integrate appropriate technology to maximize student learning.

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Domain M: Organizational Management

M-1. The superintendent actively supports a safe and positive environment for students and staff.

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M-2. The superintendent develops procedures for working with the board of education that define mutual expectations, working relationships and strategies for formulating district policies.

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<th>Exceeds Expectations</th>
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M-3. The superintendent effectively manages human, material and financial resources to ensure student learning and to comply with legal mandates.

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<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
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M-4. The superintendent demonstrates effective organizational skills to achieve school, community and district goals.

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<th>Exceeds Expectations</th>
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M-5. The superintendent implements sound personnel procedures in recruiting, employing and retaining the best-qualified and most competent teachers, administrators and other personnel.

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<th>Exceeds Expectations</th>
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M-6. The superintendent provides staff development for all categories of personnel consistent with individual needs, program evaluation results and instructional improvement plans.

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M-7. The superintendent plans and implements a systematic employee performance evaluation system.

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<th>Exceeds Expectations</th>
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**Domain C: Communications and Community Relations**

**C-1.** The superintendent promotes effective communication and interpersonal relations within the school district.

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Comments:
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**C-2.** The superintendent establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.

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Comments:
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**C-3.** The superintendent works collaboratively with staff, families and community members to secure resources and to support the success of a diverse student population.

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**C-4.** The superintendent creates an atmosphere of trust and mutual respect with staff and community.

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♦ Domain P: Professionalism

P-1. The superintendent models professional, moral and ethical standards as well as personal integrity in all interactions.

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P-2. The superintendent works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school district.

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P-3. The superintendent takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

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P-4. The superintendent provides services to the profession, the district and the community.

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Comments:
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Dennis Lorenz
School Board Chairman

Date

Douglas W. Sullivan
Superintendent of Schools

Date

*Your signature simply indicates that you have received a copy of this evaluation.

Procedure History: Promulgated on: 11/9/98    Revised on: 7/1/02, 12/11/07
Sidney School District

ADMINISTRATION

District Organization

The Superintendent shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed except in unusual situations.

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 organizations.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

ADMINISTRATION

Administrative Personnel Other Than the Superintendent

Duties and Authority

District administrative and supervisor positions are established by the Board in accordance with state law and regulations. General duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent’s recommendation, and contained in the respective position’s job description.

Qualifications

All administrative personnel shall have a valid administrator’s certificate and appropriate endorsements issued by the State Certification Board, and such other qualifications as specified in the position’s job description.

Evaluation

The performance of all administrative personnel will be evaluated by the Superintendent or a designee; the Superintendent shall make employment and salary recommendations to the Board.

Administrators shall annually present to the Superintendent evidence of professional growth, through attendance at educational conferences, additional schooling, in-service training, and through participation in the general development and improvement of the school program.

Administrative Work Year

The administrators’ work year shall be the same as the District’s fiscal year, unless otherwise stated in the employment agreement. In addition to legal holidays, the administrators shall have vacation periods as approved by the Superintendent. All administrators shall be available for work when their services are necessary.

Compensation and Benefits

The Board will consider the Superintendent’s recommendations, when setting compensation for individual administrators.

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

ADMINISTRATION

Employment Restrictions for Administrative Personnel

Time taken from the regularly assigned work schedule for such paid activities as consulting, college teaching, lecturing, etc., shall be subject to prior approval by the Superintendent.

The amount of time lost to the District will be, but is not restricted to be: deducted from vacation time; granted as additional personal leave as specified by a written contract; or that time prorated to a dollar amount and that amount deducted from the next regularly scheduled pay period.

Time taken from the regularly assigned work schedule for non-paid activities shall follow the format established above.

Policy History:
Adopted on: 11/9/98
Revised on:
Principals and Evaluation

Building Principals are the chief administrators of their assigned schools. The primary responsibility of Building Principals is the development and improvement of instruction. The majority of the Principal’s 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. Building Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school’s budget, and communication between the school and the community. Principals will be evaluated on their instructional leadership ability and their ability to maintain a positive education and learning environment.

Cross Reference: #5254 Non-renewal
#5255 Disciplining action or dismissal

Legal Reference: § 20-4-403, MCA Powers and duties of principal
10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 11/9/98
Revised on:
Internships

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

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

ADMINISTRATION

Evaluation of Administrative Staff

Each administrator shall be evaluated annually in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation shall be based on his/her job description, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens and programs; and staff evaluation.

Both staff members involved in the evaluation conference shall sign the written report and retain a copy for their records. The person being evaluated shall have the right to submit and attach a written statement to his/her evaluation following the conference.

Cross Reference: #5254 Nonrenewal
#5255 Disciplinary action or dismissal

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

ADMINISTRATION

Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the needs of the District. Each year the Superintendent should develop an administrative in-service program based upon the needs of the District, as well as the needs of individual administrators.

Administrative staff are encouraged to be members of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

Legal Reference: § 20-1-304, MCA Pupil-instruction-related day

Policy History:
Adopted on: 11/9/98
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Sidney School District

FINANCIAL MANAGEMENT

Goals

Since educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the purposes intended.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the District must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of District management and operation.

In the District's fiscal management, the Board seeks to achieve the following goals:

1. Engage in advance planning, with staff and community involvement to develop budgets that will achieve the greatest educational returns in relation to dollars expended.

2. Establish levels of funding which shall provide superior education for the District's students.

3. Provide timely and appropriate information to staff who have fiscal responsibilities.

4. Establish efficient procedures in all areas of fiscal management.

Legal Reference: Title 20, Chapter 9, MCA Finance

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Budget and Program Planning

A District's annual budget is evidence of the Board's commitment to the objectives of the instruction programs. The budget supports the immediate and long-range goals and established priorities within all areas, instructional, non-instructional, and administrative programs.

Prior to presentation of the proposed budget for adoption, the Superintendent shall prepare, for the Board's consideration, recommendations (with supporting documentation) which shall be designed to meet the needs of students within the limits of anticipated revenues.

Program planning and budget development shall provide for staff participation and the sharing of information with patrons prior to action by the Board.

Policy History:
Adopted on: 11/9/98
Revised on:
Adjustments and Amendments

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 shall 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 by § 20-9-161, MCA for specified reasons.

The resolution shall state the facts of the budget amendment, the estimated amount of funds needed, and the time and place when the Board will meet for the purpose of considering and adopting a budget amendment.

The meeting to adopt a budget amendment shall be open and shall provide opportunity for any taxpayer to appear and be heard. Budget procedures shall be consistent with statutory requirements. When applicable, the District shall apply for state financial aid to supplement that 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 Transfer among appropriation items of a fund

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Revenues

The District will seek and utilize all available sources of revenue for financing its educational programs. This includes revenues from non-tax, local, state and federal sources. All revenues received for the District will be properly credited to the appropriate fund and account as specified by federal and state statute and the accounting and reporting regulations for Montana school districts.

The District 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, and other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

Legal Reference: § 20-9-303, MCA Definition of Foundation Program

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Endowments, Gifts, and Investments

The Board may accept gifts, endowments, legacies, and devices 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 non-expendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate. Unless the conditions of the endowment instrument require immediate disbursement, money deposited in the endowment fund shall be invested by the Board 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 to be received and accepted by the District.

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 to 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

Policy History:
Adopted on: 11/9/98
Revised on: 7/1/02
Sidney School District

FINANCIAL MANAGEMENT

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 the programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for the employment and assignment of staff shall meet the legal requirements of the state of Montana and adopted Board policies.

2. Funds held for contingencies may not be expended without approval from the Board.

3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month. (NOTE: Only recommended for Districts with specific definition of contingency in their budget.)

4. Purchases shall be made according to the legal requirements of the state of Montana and adopted Board policy.

Legal Reference: § 20-9-213, MCA Duties of Trustees
§ 20-3-332, MCA Personal Immunity and Liability of Trustees

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Purchasing

Authorization and Control

The Superintendent is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds fifty thousand dollars ($50,000), except the Superintendent shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Fifty Thousand Dollars ($50,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2nd) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Superintendent will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and
integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor’s skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. Such contracts must be awarded to the lowest responsible bidder, except that the trustees may reject all bids.

Legal Reference:

§§ 18-1-101, et seq., MCA Preferences and General Matters
§§ 18-1-201, et seq., MCA Bid Security
§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids

Debcon v. City of Glasgow, 305 Mont. 391 (2001)

Policy History:
Revised on: 7/1/02, 7/1/06, 7/1/07, 7/1/09
Sidney School District

FINANCIAL MANAGEMENT

Accounting System Design

The District accounting system shall be established to present with full disclosure the financial position and results of the financial operations of the District funds and account groups in conformity with generally accepted accounting principles. The accounting system must be in compliance with the accounting system requirements established by legislative action. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with the statutory provisions and audit guidelines. The documentation will specifically describe acquired goods and/or services, the budget appropriations applicable to payment, and the required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with the authority, responsibility and control over the budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office will be responsible for the development of the procedures and forms to be used in the requisition, purchase and payment of claims.

Policy History:
Adopted on: 11/9/98
Revised on:
Year-End Unexpended Budget Balances

At the conclusion of each fiscal year, a review of the General Fund budget appropriations and expenditures will be made to determine the availability of surplus appropriations after all expenditure obligations have been met. Whenever it is determined that a surplus of appropriations is available, the surplus appropriations may be expended for goods or services or transferred into CALF (Compensated Absence Liability Fund) or other legislatively designated funds if established and administered according to Montana law with the approval of the Board.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Petty Cash Funds

The use of petty cash funds may be authorized for specific purchases only. Those purchases will include individual purchases of supplies, materials, postage, delivery charges, and freight. Petty cash accounts will be maintained as cash on hand, and the total dollar amount of each petty cash account will be limited to $200 for secondary schools and $100 for elementary schools and school offices and departments.

Each administrator of a school or department with a petty cash fund account may appoint and designate a fund custodian to carry out the bookkeeping and security duties. Monies which are not specifically petty cash monies shall not be co-mingled with the petty cash fund. At the conclusion of each school year, all petty cash funds must be closed out and the petty cash vouchers and cash on hand returned to the business office for processing.

The District business office shall be responsible for establishing the procedures involving the use and management of petty cash funds.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Personal Reimbursement

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 his/her personal funds. In that event, an employee will be reimbursed for his/her 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 resources within the District.
4. The claim for personal reimbursement is properly accounted for and documented with an invoice/receipt.

The District business office will be responsible for the development of the procedures and forms to be used in processing claims for personal reimbursements.

Policy History:
Adopted on: 11/9/98
Revised on:
Fund Accounting System

The District accounting system shall be organized on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources. All related liabilities and residual equities or balances, and changes therein, are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The following types of funds and account groups shall be used by the District as required by law and sound financial administration consistent with legal and statutory operating requirements.

Governmental Funds:

- General Funds
- Special Revenue Funds
- Capital Projects Funds
- Debt Service Funds

Proprietary Funds:

- Enterprise Funds
- Internal Service Funds

Fiduciary Funds:

- Trust and Agency Funds

Account Groups:

- General Long-Term Debt Account Group
- General Fixed Assets Account Group

A modified accrual basis of governmental accounting shall be utilized in measuring financial position and operating results. Unless required by law, the Board must authorize any new fund.

Legal Reference: § 20-9-201, MCA Definitions and Application

Policy History:
Adopted on: 11/9/98
Revised on:
SIDNEY HIGH SCHOOL
Associated Student Body Funds
As per Montana Statute, Section 20-9-504, MCA, an extracurricular fund has been established by Sidney Public Schools. The Associated Student Body Funds of Sidney Public Schools (ASB Funds) are maintained in a separate checking account as allowed in Administrative Rule 10.10.304. These funds have been established by and are the responsibility of the Board of Trustees of Sidney Public Schools with assistance in the administration of these funds from the student body government. The audit of these funds is conducted annually in conjunction with the audit of all other funds of the district.

ADMINISTRATIVE RESPONSIBILITIES - BOARD OF TRUSTEES
1. The admission of new clubs or activities to the extracurricular fund must be submitted to and approved by the Board of Trustees.

2. The cancellation of extracurricular fund checks will require prior approval from the board. Outstanding checks can be cancelled after one year of date of issue.

3. Non-sufficient fund checks cannot be written off without first obtaining approval of the Board of Trustees.

4. Inactive fund accounts should be reviewed by the Board of Trustees and those determined to be discontinued should have any remaining balance transferred to a related account.

5. Fund accounts should not be permitted to become overdrawn. Whenever a fund account becomes nearly depleted, remedial action should be ordered immediately by the fund custodian or building principal.

6. The fund custodian will direct the individual clubs/funds to maintain separate financial records and see that each club’s fund balance is in agreement with the general control records maintained by the deputy fund custodian. The mechanism to be used for monthly verification of individual club/fund balances shall be a printed computer recap of the monthly fund balance sheets that reports receipts, expenditures and balances signed by the club/fund student designee and advisor and returned to the deputy fund custodian to be filed for the district auditor.

7. The Board of Trustees should review the adequacy of insurance policies regarding burglary coverage, messenger and forcible seizure coverage.

8. The Board of Trustees should review existing official bond coverage to verify that the extracurricular fund is included.

9. Prior to June 30, the Board of Trustees will direct the senior class to dispose of any money remaining in the senior class fund account. Any amount remaining shall be transferred to the District Alumni Fund Account (Fund 285).
10. A direct payment will be permitted to reimburse the student activity fund if the claim against the general fund is properly authorized, completely documented and easily traced into the extracurricular fund records.

11. Extracurricular Payroll: The student activity fund shall reimburse the general fund for gross salary and workers compensation premiums incurred for extracurricular workers. For purposes of payroll, referees and other officials are considered to be self-employed.

12. The Board of Trustees shall conduct a monthly review of the ASB Account balances reported by the Deputy Fund Custodian.

FEES AND CHARGES
Student Activity Tickets and Participation Fees
A. Students (Grades 7-12) participating in extracurricular activities are required to purchase an Activity Ticket and pay a participation fee each year. Students in grades 4-6 are required to pay a participation fee. Clarification of extracurricular is any school activity, i.e. pep band, jazz band, vocal groups, Drama Club and sports that are participated in outside of the classroom.

B. Student Activity Tickets shall be picture I.D.’s, if possible, and available to students in Grades 1-12.

C. The fees and activity ticket prices are as follows:
   Activity Ticket - Grades 7 - 12 $25.00
   Activity Ticket - Elementary $25.00
   Participation Fee - 9-12 $45.00
   Participation Fee - 4-8 $30.00

D. The distribution of Activity Ticket monies among the funds is as follows:

   SIDNEY HIGH SCHOOL
   Student Council $ 2.50
   Band $ 1.75
   Vocal $ 1.25
   Seniors $ .25
   Juniors $ .25
   Sophomores $ .25
   Freshman $ .75
   8th Grade $ .25
   7th Grade $ .25
   Cheer/Pep Squad $ 2.25
   Forensics $ 2.75
   Athletics $13.00
   TOTAL $25.00
The selling and issuing of activity tickets and collection of participation fees is the responsibility of each building’s office staff.

Collected participation fees shall be deposited in the school’s respective ASB account. The Activity Ticket money from Sidney Elementary is deposited into Athletics only.

**INVESTMENTS**
Associated Student Body investments are made at the discretion and with the approval of the Board of Trustees following the requirements of Montana state law. Review of ASB investments should be conducted by the Trustees annually. Investment bids should be sought from local financial institutions prior to maturity.

**CHECKING ACCOUNT**
The Fund Custodian will solicit proposals from local financial institutions every five (5) years beginning with the year 2008 for placement of the Associated Student Body checking account. Based upon review of the proposals, the Fund Custodian will make a recommendation to the Board of Trustees for awarding the ASB checking account for a period of five (5) years.

**INVENTORY**
Inventories related to the extracurricular fund may be in the form of equipment and stock-in-trade. Inventories should be accounted for in the following manner.

**Equipment**
1. All equipment purchased or donated should be numbered or tagged for identification.
2. Records of such equipment should be verified by the department annually and reported to the Fund Custodian.

**Stock in Trade**
Each fund account sponsor handling the sale of candy, pop and school supplies should maintain a running account of supplies at all times and is responsible for conducting the inventory and forwarding copies of the inventory records to the fund custodian. The fund custodian should retain the copies of inventory records until completion of the audit.
ACCOUNTABILITY FOR ADMISSION CHARGES

1. Pre-numbered colored strip tickets should be purchased and included in the stationery control.

2. Ticket numbers should be charged out to the sellers responsible for admission collections.

3. Each seller will be required to turn in a report containing the following information:
   A. Number of tickets sold for each price class. Each series of colored tickets should represent a price class and be sold only for the price. Ex: adult or student/yellow or red.
   B. Amount of money collected for each class of ticket sold.
   C. The number of tickets sold must reconcile with the money collected. Unused tickets are to be turned back in and accounted for.
   D. Accounting for overages and shortages
   E. Signature of official approving report.

4. Tickets should not be torn off at the end of the event!!

I. TRAVEL AUTHORIZATION

A request for travel authorization and funding must be prepared well in advance of the time the funds are needed.

A. This request should be submitted by the teacher, coach, faculty advisor or other person responsible for the activity trip. The request is generally made to acquire bus transportation.

B. This request must be approved by the school principal and/or school superintendent in accordance with policy established by the board.

C. Funding for athletic competitions is approved by the athletic director; groups that have ASB accounts pay for their own expenses.

D. Travel authorization request forms are to contain the following information:
   * Date of request
   * Destination and purpose of trip
   * Estimated departure and return times
   * Number of persons making the trip
   * Signature of persons requesting authorization
   * Approval signature of principal, superintendent or designee
   * Mode of transportation being requested - car, van, bus

II. PAYMENT FOR STUDENT TRAVEL

Cash advances are occasionally used for travel. All expenditures of cash advances must be
accounted for. Upon return, receipts must be turned into the fund custodian along with a reconciliation against cash received and cash outlayed. Amount left must be redeposited in the ASB fund from which the original cash outlay was made. Credit cards are the preferred method of payment for travel. VISA cards are for activity travel and may be obtained from the Fund Custodian. All receipts must be maintained and submitted upon return with a credit card report slip containing trip information. Purchase orders may be used in lieu of credit cards but must be clearly marked ASB and must indicate the purpose of the trip, date, location and contain the signature of the coach or activity advisor.

III. FINAL ACCOUNTABILITY - (After the trip is complete)
A statement of final accountability must be submitted by the authorized trip sponsor, promptly after the completion of the trip, to the fund custodian at the High school or the building administrator at the elementary schools. This statement must include the purpose of the trip, date of the trip, trip location, date of final accountability, complete listing of itemized expenditures incurred and the signature of the fund custodian or the building administrator indicating that final accountability has been attained.

CHANGE FUND
The amount of change needed should be determined by the Board of Trustees at the start of the school year. The change fund is established by written request from the Building Administrator to the Board of Trustees in July of each year. This cash will be retained throughout the year and would then be redeposited separately at the end of the school year.

BOOKKEEPING SYSTEMS AND PROCEDURES.
The Sidney Public Schools uses a computerized system created by EPES Software.

This computer system contains the following registers:
1. Receipt control register.
2. Disbursement control register.
3. Ledger report for each individual fund account.

RECEIPTING PROCEDURES AND REQUIREMENTS
Fund custodian receipts must be issued immediately upon each collection. Checks should be endorsed with the “for deposit only” stamp immediately upon receipt.

1. Receiving by fund custodian/building administrator.
   A. The pre-numbered receipts must consist of the original and one copy.

   B. Fund custodian receipts must contain the following information:
      ♦ Date of receipt issued.
      ♦ Payer (sponsor or student paying money to fund custodian.)
      ♦ Amount received by fund custodian.
      ♦ Purpose or source of collection.
      ♦ Designated fund or funds to which the cash is to be deposited.

DEPOSITING OF RECEIPTS
Extracurricular Fund deposits must be transmitted weekly from all buildings to the Administration Office. However, on the closing day of each month, with the exception of the change fund, all cash remaining on hand should be deposited.
Deposit slips must show the receipt numbers that, when totaled, correlate with the deposited amount.

**CASHING OF PERSONAL, EXTRACURRICULAR CHECKS AND SCHOOL WARRANTS**

The cashing of personal, extracurricular fund checks or school district warrants from undeposited cash on hand is absolutely prohibited.

**ENTERING OF DEPOSITS**

Receipts deposited to the extracurricular fund bank account should be entered to the computer by recording:

1. The date of the deposit.
2. The inclusive numbers of receipts being deposited.
3. The amount of money deposited should be recorded as an entry increasing the bank control account and decreasing the cash control account.

**INTRA-FUND TRANSFERS**

Transfers of money from one student fund account to another are allowed only when such transfer is justifiable and supported by proper authorization. Transfers must be approved by the Board of Trustees prior to the transfer of funds.

All transfers must be recorded on a transfer request form. Transfer forms must contain provisions for the following:

1. Date
2. Reason for transfer.
3. Amount of funds to be transferred.
4. Name of fund accounts affected.
5. Approval of Administrator in building requesting the transfer.
6. Transfer requests are sent to the Deputy Fund Custodian for preparation for Board approval.
7. Posting verification and reference by the deputy fund custodian.

**NON-SUFFICIENT FUNDS CHECKS (BAD CHECKS)**

Checks which have been deposited by the bank as non-sufficient funds are immediately sent to a collection agency. A yearly fee may be paid to the collection agency for this service and the cost will be taken out of the Athletics Fund. Upon collection of the NSF check, the deposit is credited back into Athletics along with any rebate received from the collection agency.

**DISBURSING PROCEDURES AND REQUIREMENTS**

All extracurricular fund disbursements must initiate with and be authorized by representatives of the fund account to which the disbursement will be charged.

Requisitions are issued by coach/activity sponsor to individual making purchase. Requisition and accompanying invoice and charge explanation are turned into the fund custodian at the High School or the Building Administrator at the Elementary Schools for issuance of a Warrant Drawing Order for payment of invoice. Warrant Drawing Order information and the distribution of 3 part requisition form is listed below:
Requisition
A. Original copy to vendor
B. Duplicate copy to fund custodian/building administrator
C. Triplicate copy to fund account treasurer/advisor

Warrant Drawing Order
A. Date
B. Vendor
C. Amount of Invoice
D. Fund Account to be Charged
E. Explanation of Charge
F. Signature of Bldg. Administrator/Fund Custodian

INVOICE PAYMENTS
1. Preparing invoice for payment
   A. All invoices must be matched up and attached to the Warrant Drawing Order.
   B. Verification of receipt of goods must be obtained.
   C. The deputy fund custodian must check all invoices for arithmetic accuracy before payment is made.
2. Preparation and issuance of checks
   A. All checks should contain the following information:
      ♦ Name of account
      ♦ School district name and student extracurricular account number.
      ♦ Checks must be pre-numbered
      ♦ Date of issue
      ♦ Payee checks made payable to the vendor whose name appears on the invoice and warrant drawing order.
      ♦ Amount of check
      ♦ The check or check stub should indicate the fund account or accounts to which disbursement is to be charged.
      ♦ Dual signature required – as designated by the Board of Trustees
   B. The check stub is stapled to the corresponding invoice and Warrant Drawing Order.
   C. For travel purposes, no checks should be made payable to cash or to those people who are in charge of the fund accounts.
   D. No checks should be issued from one fund account to another fund account. Such transactions should be handled as intra-fund transfers.

ENTERING OF DISBURSING DOCUMENTS
1. All disbursements will be made by check.

2. All checks issued must be entered to the register individually and in numerical sequence. The amount of each check shall be entered to the disbursement column of the individual fund account and the disbursement column of the banks control account.

3. All voided checks must be accounted for and available for audit.
4. Bank service charges, check printing costs and bank overdraft charges must be entered as disbursements in the register by means of adjusting entries. The fund accounts charged for the costs and the breakdown is as follows:

<table>
<thead>
<tr>
<th>Supply Payments Breakdown</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletics</td>
<td>25%</td>
</tr>
<tr>
<td>Talon</td>
<td>25%</td>
</tr>
<tr>
<td>Student Council</td>
<td>10%</td>
</tr>
<tr>
<td>Band</td>
<td>10%</td>
</tr>
<tr>
<td>Cheer/Pep Squad</td>
<td>10%</td>
</tr>
<tr>
<td>Forensics</td>
<td>10%</td>
</tr>
<tr>
<td>Middle School Student Council</td>
<td>10%</td>
</tr>
</tbody>
</table>

**FILING OF BOOKEEPING RECORDS**

1. Invoices and Warrant Drawing orders shall be attached together and filed. All disbursement documentation should bear reference to the check number.

2. Intra-fund transfers shall be kept in a separate file labeled Transfer.

3. Receipts shall be filed in date order in the appropriate monthly file for that fiscal year.

4. Monthly reports to the board shall be filed in monthly order in a separate file labeled - Monthly Board Reports.

5. All other documentation shall be filed together by fiscal year.

**MONTHLY RECONCILIATIONS OF EXTRACURRICULAR FUND ACCOUNTS**

1. Each control account balance and individual fund account balance must be verified in the following manner:

   A. Beginning balance
   B. Add: receipts for month
   C. Less: disbursements for month
   D. Transfers
   E. Ending balance

2. The total of all individual fund accounts must be in balance with the combined total of the cash control and bank control accounts.

3. Any remaining balance shown in the cash control account at the end of each month must be reconciled and identified as to the source. (i.e., change fund,

4. The balance shown in the bank control account must be reconciled to the bank statements received from the depository bank each month. Evidence of this reconciliation must be available for inspection.
MONTHLY REPORT TO THE BOARD OF TRUSTEES

Each month-end the deputy fund custodian will have the responsibility of reconciling all individual fund account balances to the total of the control account balances. Reports of this reconciliation and fund activity must be presented to the Board of Trustees for its review with the following information:

1. Statement of receipts, disbursements and fund balances.
   A. Fund account
   B. Beginning monthly balance of each fund account
   C. Receipts of each fund account
   D. Disbursements of each fund account
   E. Transfers of each fund account
   F. Ending monthly balance of each fund account
   G. Signed by the deputy fund custodian, fund custodian and approved by the board chairman

2. Monthly bank and fund reconciliation
   A. Name of bank and amount shown on the bank statement
   B. Investments, if applicable
   C. Deposits in transit
   D. Outstanding checks
   E. Bank service charges, if applicable, not entered in register
   F. Reconciled bank balance
   G. Cash on hand
   H. Total fund reconciliation

3. Transfers
   A. Account transferred from
   B. Account transferred to
   C. Amount of transfer
   D. Signature of Fund Custodian, Deputy Fund Custodian or Building Administrator

Copies of Report totals are given to the Board of Trustees and club/fund advisors for verification as provided for under Administrative Responsibilities - Board of Trustees #6.

DESTRUCTION OF RECORDS

General Guidelines:
Destruction of records will be allowed as per state statute and established State guidelines as approved by the Board of Trustees per Board Policy 8410.

REPORTING OF ACTIVITY FUND TO DISTRICT’S TRUSTEE REPORT

Extracurricular fund records are considered fiduciary funds and should be reported as a trust fund on the trustee report under fund number 84.

Policy History
Adopted on: 6/12/00
Revised on: 07/01/04, 7/01/07
Sidney School District

FINANCIAL MANAGEMENT

Financial Reporting and Audits

The Board directs that financial reports of all District funds shall be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to the reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. The financial reports shall reflect the financial activity and status of the District funds.

Appropriate interim financial statements and reports of financial position, operating results and other pertinent information will be prepared to facilitate management control of financial operations.

The Board directs that District audits shall be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the school district and the District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every two years and cover the immediately preceding two fiscal years, or it may be conducted annually. The District audits may be conducted by the staff of the Department of Commerce, or the audits may be conducted by an independent auditor under the rules and regulations established by the Department of Commerce.

Legal Reference:
- § 2-7-501 et seq., MCA Definitions
- § 20-9-212, MCA Duties of county treasurer
- § 20-9-213, MCA Duties of trustees

Policy History:
Adopted on: 11/9/98
Revised on:
Property Records

Property records and inventory records shall be maintained on all land, buildings and physical property under the control of the District. Such records shall be updated annually.

For purpose of this policy, "equipment" shall mean 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 shall ensure that inventories of equipment are systematically and accurately recorded and are updated and adjusted annually be referenced to purchase orders and withdrawal reports. Property records of facilities and other fixed assets shall be maintained on an ongoing basis. No equipment shall be removed for personal or non-school use except according to Board policy. (see Policy #8351)

Property records shall 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 that provides appropriate District and equipment identification.

Cross Reference: #7510 Capitalization policy for fixed assets
Legal Reference: § 20-6-602, MCA Trustees Power over Property
§ 20-6-608, MCA Authority and Duty of Trustees to Insure District Property

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

FINANCIAL MANAGEMENT

Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all of the following requirements.

1. Must be tangible in nature.
2. Must have a useful life of longer than the current fiscal year.
3. Must be of significant value.

Fixed assets may be acquired through donation, purchase or may be self-constructed. The asset value for donations will be the fair market value at the time of the donation. The asset value, when purchased, will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the materials used and the cost of labor involved in the construction of the asset.

The following significant values will be used for different classes of assets:

<table>
<thead>
<tr>
<th>Class of Fixed Asset</th>
<th>Significant Value</th>
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</thead>
<tbody>
<tr>
<td>Equipment and machinery</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Buildings - Improvements</td>
<td>5000.00 or more</td>
</tr>
<tr>
<td>Improvements other than buildings</td>
<td>5000.00 or more</td>
</tr>
<tr>
<td>Land</td>
<td>Any amount</td>
</tr>
</tbody>
</table>

Cross Reference: #7500 Property Records

Policy History:
Adopted on: 11/9/98
Revised on: 07/01/01
## SIDNEY SCHOOL DISTRICT

### 8000 SERIES

**NONINSTRUCTIONAL OPERATIONS**

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Sidney School District

NONINSTRUCTIONAL OPERATIONS 8000

Goals

In order for students to obtain the maximum benefits from their educational program, a complex set of support services must be provided by the District. These services are essential to the success of the District, and the staff that provides them is an integral part of the educational enterprise. Because resources are always scarce, all assets of District operations, including noninstructional support services, shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of the District is to seek new ways of supporting the instructional program that shall maximize the resources directly available for students' learning programs.

Policy History:
Adopted on: 11/9/98
Revised on:
Transportation

The District may provide transportation to and from school for a student who:

1. resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school.

2. is a student with a disability, whose IEP identifies transportation as a related service; or

3. has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The type of transportation provided by the District may be by a school bus or other vehicle, or by such individual transportation as paying the parent or guardian for individually transporting the pupil. 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 that the parent or guardian pays a proportionate share of transportation services. Fees that are collected for the 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.

Legal Reference:

§ 20-7-441, MCA Special education child eligibility for transportation
§ 20-10-101, MCA Definitions
§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-122, MCA Discretionary provision of transportation and payment for this transportation
§ 20-10-123, MCA Provision of transportation for nonpublic school children
10.7.101, et seq., ARM Pupil transportation
10.64.101-700, et seq., ARM Transportation
No Child Left Behind Act of 2001 (P.L. 107-110)
Contracting for Transportation Services

If the Board enters into a contract for transportation services, the contractor shall operate such equipment according to District policy and the rules and regulations of the Board of Public Education. The contract shall be in effect for not more than five years. Prior to entering into the first such contract, the District shall determine that the cost of contracting for the ensuing term will not exceed the projected costs of operating its own system. Before any transportation contract to a private party or contractor is awarded, the Trustees shall:

1. Secure bids by advertising for a 21-day period (three consecutive weeks); or

2. Negotiate a new contract with the present contractor, provided the new contract does not exceed by more than 12 percent per year of basic costs of the previous contract.

No money shall be expended unless a contract with a private carrier has been executed. The Board Chair shall 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, extra-curricular or District business programs, that means of transportation that best fits the needs of the District at that particular time as judged by the Board.

Legal Reference: § 20-10-102, MCA School bus requirements  
§ 20-10-125, MCA Bid letting for contracts - payments under transportation contract  
§ 20-10-107, MCA Powers of Trustees  
10.7.108, ARM Bus Contract
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Bus Routes and Schedules

The Superintendent or his/her designee shall be responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to the approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses insofar as this is consistent with rendering safe and reasonable equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turn-around points, capacity of bus, and other related factors.

2. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one hour without consent of the child's parent or guardian.

3. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.

4. Parents should be referred to the Superintendent for any request of change in routes, stops, or schedules.

The Trustees reserve the right to change, alter, add or delete any route at such time that such changes are deemed in the best interest of the District subject to approval by the county transportation committee.

Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency, and inclement weather conditions.

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly
loading and unloading of students. The principal of each building is responsible for the conduct of students waiting in loading zones.

**Delay in Schedule**
The driver is to notify the administration of a delay in schedule. The administration will notify parents on routes and radio station, if necessary.

**Responsibilities - Pupils**
Pupils must realize that safety is based on group conduct. Talk should be in conversational tones at all times. There should be no shouting or loud talking which may distract the bus driver. There should be no shouting at passersby. Pupils should instantly obey any command or suggestions from the driver and/or his/her assistants.

**Responsibilities - Parents**
The interest and assistance of each parent is a valued asset to the transportation program. Parents' efforts towards making each bus trip a safe and pleasant experience are requested and appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
2. Properly prepare children for weather conditions.
3. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding on the school bus.

**Safety**
The Superintendent shall develop written rules establishing the procedures for bus safety and emergency exit drills, and for student conduct while riding on buses.

If the bus and driver are present, the driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the Superintendent. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

The system must be used with judgment and courtesy. Its abuse causes resentment on the part of the public. A driver should allow approaching vehicles time to stop or pass before the flashing lights are used.
Eligibility
To be eligible to ride the bus, the individual pupil must:

1. be a student registered in the elementary, middle or high school.

2. reside with his/her parents or guardian who maintain a permanent home within the boundaries of the District and pay transportation.

3. live outside the established transportation zone or boundary.

Out-of-District: Students who reside outside the boundaries of the District and pay tuition may ride the buses free. Their transportation fee is included in the tuition fee. However, bus routes will not be extended outside of the District to accommodate these students.

Within the boundary limit (provided room is available): Students residing within the boundary limit may ride on the bus on a fee basis as established by the Trustees.

Inclement Weather
The Board recognizes the unpredictability and resulting dangers associated with the weather in Montana. To achieve the maximum safety for children and efficiency of operation, the Superintendent is empowered to make decisions as to the emergency operation of buses, the cancellation of bus routes and the closing of school in accordance with his/her best judgment. The Board may develop guidelines in cooperation with the Superintendent to assist him/her in making such decisions.

NOTE: To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route.

NOTE: The County transportation committee has authority to establish transportation service areas should circumstances and/or geography (demographics) warrant.

Legal Reference: § 20-10-106, MCA Determination of mileage distances
§ 20-10-132, MCA Duties of county transportation committee
§ 20-10-121, MCA Duty of trustees to provide transportation - types of transportation - bus riding time limitation

Policy History:
Adopted on: 11/9/98
Revised on:
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 District’s special 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: 3300 Corrective Actions and Punishment

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/2006
District-Owned Vehicles

The District owns and maintains certain vehicles. Included among them are pickups, school buses and vans. These are for use by properly authorized personnel of the District for District business purposes. The following regulations shall apply to the use of these vehicles:

Any driver who receives a citation for a driving violation shall personally pay all fines levied. All citations received while operating a District vehicle shall be reported to the driver's supervisor. Failure to report any violation or the violation itself may result in disciplinary action.

Bus and Vehicle Maintenance, District

Buses used in the District's transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol before the beginning of each semester. The Superintendent shall establish a specific list of tasks that bus drivers shall perform on a daily basis. All other District vehicles shall be maintained following established programs as developed by the Superintendent.

Bus Maintenance - Non-Owned Vehicles

The Superintendent's designee with bus experience, will make periodic inspections of the buses and drivers. Copies of inspection reports are to be made available to the administration and the contractor. Follow-up checks are to be made to see that necessary corrections are made. The Highway Patrol also inspect these buses if they are used for home-to-school and back transportation. For the District to receive state/county reimbursement, the bus must be inspected by the Highway Patrol.

It is recommended that these inspections coincide with the state inspections conducted by the Highway Patrol. However, other inspections may be conducted as deemed necessary by the Superintendent.

Policy History:
Adopted on:
Revised on:
Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District’s written rules for bus drivers and for student conduct on buses.

Each bus driver will meet the qualifications established by the Superintendent of Public Instruction, including possession of a valid Montana commercial driver’s license (with a school bus “S” endorsement), receive ten (10) hours of in-service annually, and Department of Transportation-approved physician’s certification that he or she is medically qualified for employment as a bus driver. The bus driver shall secure a valid standard first aid certificate from an authorized instructor, within two (2) months after being employed, and maintain a valid first aid certificate throughout employment as a bus driver. The bus driver must have five (5) years driving experience.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

Legal Reference: § 20-10-103, MCA School bus driver qualifications
10.7.111, ARM Qualification of Bus Drivers
10.64.201, ARM Drivers

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/06
Student Conduct on Buses

The Superintendent shall establish written rules of conduct for students riding school buses. Such rules shall be reviewed annually by the Superintendent and revised if necessary. If the rules are substantially revised, they shall be submitted to the Board for approval.

A copy of the rules of conduct for students riding buses shall be provided to students at the beginning of the year. The classroom teacher and bus driver shall review the rules with the students at the beginning of each school year. A copy of the rules shall be posted in each bus and shall be available upon request at the District office and in each building principal's office.

The bus driver shall be responsible for enforcing the rules, and shall work closely with the parent and building principal to modify a student's behavior. The rules shall include consistent consequences for student misbehavior.

Recommendations for permanent termination of bus privileges will be referred to the Superintendent for final determination. The termination may be appealed to the Board. No further appeal shall be allowed.

A recommendation to terminate bus privileges shall be accompanied by a written record of the incident(s) that led to the recommendation.

Cross Reference: 3310 Student Discipline

Legal Reference:
§ 20-4-302, MCA Power of teacher or principal over pupils
§ 20-5-210, MCA Duties and sanctions

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS 8125

Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Superintendent. A copy of the emergency procedures shall be located in each bus. To ensure the success of such emergency procedures, each bus driver shall conduct an emergency evacuation drill within the first six weeks of each school semester. The District shall conduct such other drills and procedures as may be necessary. Accident forms (T-8) will be sent to OPI.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Activity Trips

The use of school buses is strictly limited to school activities. Buses may not be loaned or leased to non-school groups. On all activity runs, buses will be operated by a qualified bus driver only. On all activity trips, only authorized activity participants, professional staff and chaperones assigned by the high school administration may ride the bus. A duplicate copy of the passenger list will be made for all activity trips. One copy will remain with the professional staff member in charge on the bus and one copy will be given to the Activities Director before the bus departs.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS 8200

Food Services

The District supports the philosophy of the National School Lunch Program and shall provide wholesome, appetizing and nutritious meals for children in the District's schools.

Because of the potential liability of the District, the food services program shall not accept donations of food without the express approval of the Board. Should the Board approve a food donation, the Superintendent shall establish inspection and handling procedures for the food and determine that the provisions of all state and local laws have been met before selling the food as part of the school meals.

Commodities

The District shall use food commodities made available under the Federal Food Commodity Program for school meals.

Free and Reduced Price Food Services

The District shall 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 shall inform parents of the eligibility standards for free or reduced price meals. Identity of students receiving free or reduced price will be confidential in accordance with the National School Lunch Program guidelines. A parent has the right to appeal any decision with respect to his/her application for free or reduced price food services to a designated hearing official.

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, food costs, handling costs, utility costs, and equipment depreciation costs.

Legal Reference:  § 20-10-204, MCA  Duties of trustees
                 § 20-10-207, MCA  Food services fund
                 § 20-10-205, MCA  Allocation of federal funds to school fund services fund

Policy History:
Adopted on: 11/9/98
Revised on:
Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

Use of tobacco products in a public school building or on public school property is prohibited, unless the use of a tobacco product 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.

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 buses.

Legal Reference: § 20-1-220, MCA Use of tobacco product in public school building or property prohibited
§§ 50-40-101, et seq., MCA Montana Clean Indoor Air Act of 1979
ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 11/09/98
Revised on: 7/01/06 (moved from 5225)
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Nutrition

The District will provide school meals which meet or exceed nutritional standards required by state and federal school lunch programs.

The Superintendent will establish rules for the sale of foods during the school day. The building principal must give prior approval to any food sales of an occasional nature.

Legal Reference: 20-10-204, MCA Duties of trustees

Policy History:
Adopted on: 11/9/98
Revised on: 8/01/06
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Risk Management

The Board believes the District must identify and measure risks of loss due to the damage or destruction of District property or to claims against the District by others claiming to have been harmed by the action or inaction of the District, its offices or staff. A risk management program shall be implemented to reduce or eliminate risks where possible, and to determine which risks the District can afford to assume. Such a program shall 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 Trustees shall assign the primary responsibility for the administration and supervision of the risk management program to a single person. The Board shall review the status of the risk management program each year.

The District shall purchase and pay for surety bonds for the Superintendent, Clerk and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the District's financial operations.

Legal Reference:

§ 20-6-608, MCA Authority and duty of trustees to insure district property
§ 20-3-331, MCA Purchase of liability insurance
§ 2-9-100, MCA Liability exposure
§ 2-9-211, MCA Political subdivision insurance
§ 2-9-502, MCA General provisions related to official bonds

Policy History:
Adopted on: 12/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS

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 shall be posted in compliance with Occupational Safety and Health Act (OSHA) requirements. Injuries and accidents shall be reported to the District office.

The building Principal shall develop a plan of fire, civil defense, tornado, and earthquake warning, protection, and evacuation. This plan shall be distributed to each teacher at the beginning of each school year. There shall be at least four fire exit drills and four additional disaster, fire or emergency drills during the regular school term. An exit drill shall be conducted early during the school term, and the remaining drills should be scheduled so as to avoid severe winter weather. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters.

The Superintendent shall develop necessary safety and health standards which comply with the Montana Safety Culture Act.

Cross Reference: 9311 and 9311P Safety Program

Legal Reference: § 39-71-1501, et seq., MCA Montana safety culture act
§ 24-30-2501, et seq., MCA Safety culture act

Policy History:
Adopted on: 11/9/98
Revised on: 7/01/06
Accident Form

To be completed by the instructor or coach; be specific:

Class/activity/event: _____________________________________________________________

Name of injured person: _________________________________________________________

Age: __________ M ☐ F ☐ Phone: ________________________

Address: ______________________________________________________________________

Date/time of accident: ___________________________________________________________

Supervisor in charge: ____________________________________________________________

Location of accident: ____________________________________________________________

Were there witnesses in relation to the accident? Yes ☐ (enter name(s) below) No ☐

Name: ____________________________ Address: __________________________________

Name: ____________________________ Address: __________________________________

How did the accident occur? Describe sequence of events: _____________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Was first aid rendered? Yes ☐ No ☐ If yes, what first aid and by whom?

______________________________________________________________________________

Signed: ____________________________ Date: ____________________________
Property Damage

The District shall maintain a comprehensive insurance program which shall 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 shall maximize the District's protection and coverage while minimizing the costs for insurance. This program may include alternatives for sharing the risk between the District and the insurance carrier, and through self-insurance plans.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Data Management - Computer System

The District management computer system shall be managed as follows:

1. establish a written plan with appropriate agencies for usage of their computers at designated times in the event of system failure of the District's computer system.

2. maintain a backup of all software and system files in a secure location off-site from the District's central computer facility.

3. maintain adequate insurance coverage for the risk of loss of the District's management computer system.

4. back up on a regular basis all user files on to backup media and store the backup media in a secure location off-site from the District's central computer facility.

5. hardware and software additions and modifications shall be requested in writing to the Superintendent.

6. provide security precautions for hardware and software for all work stations and the central computer facility.

7. conduct training and inservice on a regular and as needed basis for authorized personnel in the use the management computer system. User manuals for the computer system will be provided for all authorized personnel.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Computer Software

The unauthorized copying of any computer software which is licensed or protected by copyright is theft, and thus unethical.

Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by the copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Respect for the intellectual work and property of others has traditionally been essential to the mission of education institutions. The District does not tolerate plagiarism, and does not condone the unauthorized copying of software, including programs, applications, databases and code.

Policy History:
Adopted on: 11/9/98
Revised on:
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 be responsible for developing and implementing policies and procedures which place a “litigation hold” on records which may be required for production or discoverable as a result of litigation or anticipated litigation. 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.

Cross Reference: 1402 School Board Use of Electronic Mail 3600, 3600P Student Records 5231, 5231P Personnel Records 5450 Employee Electronic Mail


Policy History: Adopted on:7/1/07 Revised on:7/1/09
Sidney School District

NONINSTRUCTIONAL OPERATIONS

Automatic External Defibrillators (AED)

The Board of Trustees of the Sidney 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 physician, or other individual designated by the physician, designated to provide medical supervision of the AED program; and
   - Other matters as specified by the Department of Public Health and Human Services;
2. Adhere to the written plan required by subsection (1);
3. Ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the proper use of an AED;
4. Maintain, test, and operate the AED according to the manufacturer’s guidelines and maintain written records of all maintenance and testing performed on the AED;
5. Ensure that the physician or other individual designated by the physician to supervise the AED program supervises the AED program to ensure compliance with the written plan, this part, and rules adopted by the District and reviews each case in which the AED is used;
6. Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the District as required by the written plan;
7. Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
   a. A copy of the plan prepared pursuant to this section; and
   b. Written notice, in a format prescribed by the DPHHS rules, stating:
      i. That an AED program has been established by the District;
      ii. Where the AED is located; and
How the use of the AED is to be coordinated with the local emergency medical service system.

Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that result from that care or treatment.

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used, unless the individual using the AED or the person providing CPR, as applicable, acts with gross negligence or with willful or wanton disregard for the care of the person upon whom the AED is or may be used.

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

a. The physician supervising the AED program or the person designated by a physician to supervise the program, either of whom are designated in the plan;
b. The entity responsible for the AED program, as designated in the plan;
c. An individual providing training to others on the use of an AED.

Legal Reference: Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)
§50-6-501, MCA Definitions
§50-6-502, MCA AED program – requirements for AED use
§50-6-503, MCA Rulemaking
§50-6-505, MCA Liability limitations

Policy History:
Adopted on: 7/1/07
Revised on:
# SIDNEY SCHOOL DISTRICT

## 9000 SERIES

### SCHOOL FACILITIES

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Goals

The Board recognizes the importance the physical plant plays in enhancing the instructional program. The Board shall develop a program to maintain and/or upgrade the buildings and grounds of the district. Facilities represent a long-term investment of the District. The functional utility of such facilities can be increased with a regular maintenance program monitored by staff.

The Board further recognizes the importance of planning in order to provide for the anticipated facility needs of the future. The District will review demographic factors as changes make such reviews necessary.

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

SCHOOL FACILITIES

Site Acquisition

The District will attempt to acquire building sites in advance of the actual construction of facilities in order to minimize delay in construction projects and to realize financial savings to the District. The Board will periodically review its inventory of land in light of growth trends in the District and make such transactions as it determines shall best meet the future needs of the District.

In acquiring a new site, the Board must first secure the approval of the qualified electors before any contract for the purchase of such site is entered into, except that trustees may take an option on a site prior to the site approval election. The Board may acquire property contiguous to a school site in use without such vote. Site approval also is not necessary if it was specifically mentioned in a fund-raising issue, which was subsequently approved by the electorate.

Bonds

The Board may issue or redeem bonds in any manner as provided by law.

Legal Reference: § 20-9-400, et seq., MCA
§ 20-6-621, MCA
§ 20-6-603, MCA

School bonds
Selection of school sites, approval election
Trustees authority to acquire or dispose of sites and buildings - when election required

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

SCHOOL FACILITIES

Architect and Engineering Services

The Superintendent or designee shall invite architects and/or engineers to express interest in performing such necessary planning services for the District. Advertising shall be designed to reach a wide geographical area to help insure gender and minority applicant consideration.

Interested firms will be requested to submit a state of qualifications and performance data to enable the Board to determine which architectural or engineering firm will best serve the needs of the District. Criteria for selection of a firm shall include, but not be limited to, quality and breadth of staff, design of similar projects, production capability, supervision and quality control, relationship with clients, cost estimates and budget control.

The Superintendent is directed to establish necessary procedures to solicit and screen qualified engineers and architects. The Superintendent shall recommend one or more firms to the Board for its consideration. The Board and the successful architectural or engineering firm shall enter into a contract for the necessary services. In the event the Board and the selected firm are unable to negotiate a fair and reasonable fee, the trustees may select another firm provided reasonable public notice of the selection is given.

Legal Reference: § 20-6-631, MCA When contracts for architectural services required
§ 20-6-633, MCA Negotiation of fees
§ 18-2-113, MCA Architects on public buildings to be certified
§ 18-2-114, MCA Seal and signature of architect on plans

Policy History: Adopted on: 11/9/98
Revised on:
Educational Specifications

Facilities shall be designed to accommodate the educational and instructional needs of the District. The professional experience and judgment of staff shall be solicited in developing such educational specifications. The law requires that special attention be given to accessibility to the education program by students of both genders and those with disabilities. The Superintendent shall see that all construction projects comply with the requirements for accessibility for individuals with disabilities and comparability between the genders. The architect shall be responsible for ensuring compliance with state and federal laws including access for individuals with disabilities and requirements for gender comparability.

When the Board considers major remodeling or building a facility, it shall endeavor to seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

Legal Reference: 10.55.2001, ARM School facilities

Policy History:
Adopted on: 11/9/98
Revised on:
Sidney School District

SCHOOL FACILITIES

Contractor Assurance

No contract shall be let to any contractor who is not licensed or registered as required by the laws of this state. Nor shall a contractor be granted a contract unless a statement is submitted and sworn to which states that the contractor is in compliance with the state laws relating to prevailing wage and residence requirements for public works and with state and federal laws relating to non-discrimination in hiring. A statement to this effect must be a part of every appropriate contract.

No contract shall be let to any contractor if the provision conflicts with the provisions of § 20-9-204.

Legal Reference:
§ 2-2-303, MCA Agreements to appoint relative to office
§ 18-2-402, MCA Standard prevailing rate of wages
§ 18-2-430, MCA Preference of Montana labor in public works - wages
§ 18-2-404, MCA Approval of contract - bond
§ 20-9-204, MCA Conflicts of interest, letting contracts and calling for bids

Policy History:
Adopted on: 11/9/98
Revised on:
Contractor Surety Bonds and Insurance

Each contractor's bid must be accompanied by a bid bond or other security authorized by state law in the amount of at least ten percent of the total bid amount, excluding taxes. Any bid which is not successful shall entitle the bidder to a refund of its security or bond. The successful bidder shall have his/her bond or security retained until such a time as it is determined that the bidder shall complete the contract. All bids received shall specify whether the District or the contractor shall carry fire, liability, or other insurance during construction.

The successful bidder is required to make, execute and deliver to the Board a good and sufficient performance bond with two or more sureties or a surety company which shall state that the contractor shall execute and faithfully perform the provisions of the contract and shall pay all subcontractors and materialmen as required by law.

Legal Reference:
§ 18-1-201, MCA Requirements for bidder's security
§ 18-1-202, MCA Advertisement for bid to specify required security
§ 18-1-203, MCA Form of security

Policy History:
Adopted on: 11/9/98
Revised on:
Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the authority to dispose of all District property. This power shall be exercised only when the qualified electors of the District approve of such action at an election called for such approval or when the Trustees adopt a resolution stating their intention to dispose of the property. When the Trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

Receipts from the sale of real property shall be placed into the debt service fund, building fund, general fund or any combination of these three funds at the discretion of the trustees.

Legal Reference: § 20-6-603, MCA Trustees authority to acquire or dispose of sites and buildings
                          § 20-6-604, MCA Sale or property when resolution passed after hearing - appeal procedure

Policy History:
Adopted on: 11/9/98
Revised on:
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 the principals, fire chief, and county sanitarian shall periodically inspect plant and facilities. The manager shall provide for a program to maintain the district physical plant by way of a continuous program of repair, maintenance and reconditioning. Budget recommendations shall be made each year to meet these needs and any such needs arising from an emergency.

The facilities manager shall formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve the resources of the District in their buildings.

Legal Reference: 10.55.2001, ARM School facilities

Policy History:
Adopted on: 11/9/98
Revised on:
I. Montana Safety Culture Act Committee

The Board directs the formation of a District Safety Committee comprised of employer and employee representatives as outlined in the Montana Safety Culture Act. This committee serves in an advisory capacity within the District and is responsible for activities which may include:

- Assessing and communicating hazards.
- Communicating with employees regarding Safety Committee activities.
- Educating employees on safety-related topics.
- Motivating employees to create a safety culture in the workplace.
- Assisting in the development of safety rules, policies and procedures.
- Control of hazards.
- Periodic evaluation of the safety program.
- Inspection of the workplace.
- Development of safety training and awareness topics.
- Recommending ways to keep job-specific training current.

II. Exposure Control Plan

The Exposure Control Plan will be reviewed by the Safety Committee on an annual basis.

- Definitions
  - “Occupational exposure” means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.
  - “Exposure incident” means a specific eye, mouth, or other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.
  - Some job classifications are at greater risk for exposure to bloodborne pathogens. Specific classifications are found in the District Safety Plan.
  - Awareness training will be provided by Personnel Office staff upon employment and reviewed annually at work sites by employee’s supervisor.
  - The practice of universal substance precautions is required of all personnel.
    1) Personnel are required to practice proper hand-washing techniques.
    2) Contaminated needles and other sharps, specimens of blood or
other potentially infectious material shall be properly stored, labeled and disposed of in accordance with OSHA Bloodborne Pathogen Requirements (29 CFR 1910.1030) posted in each head custodial office.

3) All reusable equipment will be cleaned and decontaminated in accordance with OSHA Bloodborne Pathogen requirements posted in the head custodial office.
   - The District will provide Personal Protection Equipment (PPE) to specific job classifications when there is a risk of occupational exposure.
   - Hepatitis B Virus Vaccination will be made available to all identified high risk personnel. After training, high risk employees declining vaccination may choose vaccination at a later date. Hepatitis B Virus vaccination will be made available to all employees following an exposure incident.
   - Following an exposure incident, the affected employee will be provided a confidential medical evaluation and follow-up, which includes:
     - Documentation of the route and circumstances of the exposure incident.
     - The source individual will be identified if feasible, and documented on the Workman Comp. Form in accordance with OSHA Bloodborne Pathogen requirements posted in the head custodial office.
     - The employee’s blood will be tested, upon consent, following documented exposure in accordance with OSHA Bloodborne Pathogen 29 CFR Part 1910.1030 posted in each head custodial office.
     - The District shall ensure that the health care professional responsible for the employee’s Hepatitis B Vaccination is provided all documentation required by OSHA Bloodborne Pathogen requirements posted in the head custodial office.
     - The health care provider must provide the District with a written statement verifying that the employee was informed of past-exposure evaluation results and any medical conditions resulting from exposure that would require medical follow-up.
     - Employee occupational exposure records will be maintained for the period of employment plus 30 years by the District.

Procedure History:
Promulgated on: 11/9/98
Revised on:
Sidney School District

SCHOOL FACILITIES

Security

Security means not only maintenance of buildings, but also protection from fire hazards and faulty equipment and safe practices in the use of electrical, plumbing, and heating equipment. The Board requires and encourages close cooperation with local police, fire, and sheriff departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours shall be limited to staff whose work requires access. An adequate key control system shall be established which shall limit access to buildings to authorized staff and shall safeguard against the potential entry of unauthorized persons.

Records and funds shall be kept in a safe place and under lock and key when required.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of watchmen may be approved in situations where special risks are involved. All incidents of vandalism and burglary shall be reported to the Superintendent immediately and to law enforcement agencies as appropriate.

Legal Reference: § 50-61-114, MCA  Fire chief and county sheriff to make inspections

Policy History:
Adopted on: 11/9/98
Revised on:
Facilities Operations

The operation of the District's facilities shall be the responsibility of the Superintendent through the facilities manager. The facilities manager shall manage the operation of the facilities through the head custodians of the District's school facilities.

An adequate staff of custodial personnel will be employed by the District to operate the District's facilities. This responsibility shall include, but not necessarily be limited to the following:

1. Adequate and timely operation of each facility's heating system.

2. Proper care of the District's physical properties including walls, floors, roofs, ceilings and equipment in those facilities.

3. Adequate care of and timely lamp replacement in each facility's lighting system.

4. Proper care of each facility's grounds and playgrounds.

Because of the nature of facility operations, this service shall be provided not only during the normal scheduled working day and working year, but shall also occur during those times when the building is occupied outside of regular hours.

Policy History:
Adopted on: 11/9/98
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, alterations and changes be complied with by all District employees, vendors and contractors. Although the AHERA act is detailed in its regulations regarding the duties of the District, it does not define its responsibilities to any lower level. The purpose of this policy is to define those individuals responsible for various requirements of the AHERA act, set time tables for compliance the provisions of the act, and to set general guidelines involving the District's compliance in those areas that are non-mandatory in the act.

Designated Person

The Board shall appoint a designated person as required in 40 CFR Part 763.80. This person shall be fully cognizant of the AHERA and specifically shall:

1. be in a position to understand the financial requirements available to the District and procurement procedures of the District;

2. seek adequate training to perform all duties assigned under this policy; such training shall provide as necessary basic knowledge of:
   a. the health effects of asbestos;
   b. detection, identification and assessment of asbestos-containing materials (ACM);
   c. options for controlling asbestos-containing building materials (ACBM);
   d. asbestos management programs; and
   e. follow all federal and state regulations concerning asbestos, including those of the Occupational Safety & Health Administration, the U.S. Department of Labor, the U.S. Department of Transportation and the U.S. Environmental Protection Agency.

3. supervise the preparation and implementation of an asbestos management plan;

4. make decisions regarding which response actions comply with the act;

5. know and direct what to do in the event of a ACM fiber release;

6. ensure proper training of District custodial personnel as required by the act;

7. ensure that all employees, building occupants, or their legal guardians are informed at least once each school year about inspections, response actions and post-response activities including periodic reinspection and surveillance activities that are planned or in progress;
8. aid in the design and implementation of the operation and maintenance portion of the asbestos program;

9. ensure that items in need of action after inspection are immediately cleaned as required by the act;

10. ensure that warning labels are in place as required by the act;

11. ensure that the three year re-inspections occur on time and in accordance with the act;

12. assist principals in notifying the parents, teachers and staff of inspections, response actions and re-inspection;

13. inspect any personnel involved in a response action activity;

14. ensure that the management plan is updated as required by the act;

15. maintain records of the following:
   a. all employee training;
   b. all inspections and periodic surveillances;
   c. all cleaning of friable areas;
   d. all disturbances of friable ACM by short term workers and others;
   e. all minor and major fiber releases;
   f. all minor and major abatements;
   g. the transportation and burial of all asbestos.