Policy 1111: Election **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 09/09/2022

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

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee.

A declaration of intent to be a candidate must be submitted to the District Clerk ~~at least forty (40) days~~ no sooner than 145 days and no later than 85 days before the regular school election day. If different terms are to be filled, the term for the position for which the candidate is filing must also be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in 20-20-401.

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

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

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

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

Montana Code Annotated	**Description**
13-10-211	Declaration of intent for write-in candidates

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

Cross References

Code	Description
1105	Membership and Terms of Office
1110	Taking Office

Policy 2132: Student and Family Privacy Rights **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 03/19/2024

Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity as consistently recognized in state and federal courts and as required by state and federal law and District policy.

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. ~~A parent or guardian shall have the right to opt the child out of any survey or data collection by a school district that would capture data for inclusion in the statewide data system so long as the survey does not request or require disclosure of personal information. Surveys requesting or requiring disclosure of personal information shall require parental consent as described in this policy. A parent may not opt out of data collection that is necessary and essential for establishing a student's education record.~~

Parental Rights Regarding Surveys

Except for information that is necessary and essential for establishing a student's education record or for a demographic survey to validate an achievement test used to gain admission to a post-secondary institution, parents shall have the right to:

(a) opt their child out of any personal analysis, evaluation, survey, or data collection by the District that does not require personally identifiable information; and

(b) opt their child in to any personal analysis, evaluation, survey, or data collection by a school district that requires personally identifiable information.

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

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

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

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

No student in the District shall be required, as part of any applicable program, to submit to any survey, analysis, or evaluation that requests or requires the disclosure of the above-noted personal information in this section without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. This provision specifically documents the arrangements taken to protect student privacy in accordance with 20 USC § 1232h(c)(1)(a)(b).

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), (3) telephone number, or (4) a Social Security identification number.

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

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

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

Notification of Rights and Procedures

This policy shall be posted on the District's website and provided in a manner specified in accordance with law and policy. The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability from the administration office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

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

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

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

Montana Code Annotated	Description
40-6-701	Interference with fundamental parental rights restricted
40-6-702	Fundamental Parental Rights
40-6-703	Increase parental involvement in education

Administrative Rules of Montana	Description
10.55.601	Accreditation Standards: Procedures
10.55.701	Board of Trustees
10.55.722	Family and Community Engagement

United States Code	Description
20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
20 USC 1232h	Protection of pupil rights
20 USC 6318	Parent and Family Engagement

Cross References

Code	Description
1000	Legal Status, Operation and Organization
1700	Uniform Complaint Procedure
2000	Goals
2120	Curriculum and Assessment
2130	Program Evaluation and Diagnostic Tests
2158	Parent and Family Engagement and Educational Involvement
2160	Title I Parent Involvement
2160-P(1)	Title I Parent Involvement - Title I - Equivalency/Comparability
2335	Human Sexuality Instruction and Identity Instruction
2335-NF(1)	Human Sexuality Instruction and Identity Instruction - Annual Notice
2335-NF(2)	Human Sexuality Instruction and Identity Instruction - 5 to 14 Day Notice
3233	Student Use of Buildings
3410	Student Health
3410-NF(1)	Student Health

3413	Student Immunization
3413-F(1)	Student Immunization - Medical Exemptions
3413-F(2)	Student Immunization - Religious Exemptions
3600	Student Records
3600-P(1)	Student Records - Maintenance of School Student Records
3600-NF(1)	Student Records - Notification to Parents and Students of Rights Concerning a Student's School Records
3600-F(1)	Student Records

Policy 3410: Student Health

Status: DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 11/30/2023

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 are not ~~be~~ limited to:

1. Development of procedures at each building for isolation and temporary care of students who become ill during the school day;
2. Consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening;
5. Any physical or mental health services, examination, or screening;
6. Immunization as provided by the Department of Public Health and Human Services.

Parents will be notified in writing prior to any vision and hearing screening, scoliosis screening, and/or other similar physical screening. The notification will include notification to the parent of their right to opt their student out of such screenings.

Parents will be notified in writing prior to any group mental health screening, analysis, evaluation, survey, or data collection applicable to all students or a specific group of students during which no personally identifiable information will be gathered. The notification will include notification to the parent of their right to opt their student out of such screening, analysis, evaluation, survey, or data collection.

Parents will be notified in writing prior to any mental health screening, analysis, evaluation, survey, or data collection requiring the gathering of personally identifiable information from students. The notification will include notification to the parent of their right to opt their student in to any such mental health screening, analysis, evaluation, survey, or data collection.

Parents will be notified in writing prior to any scheduled immunization of students. The notification will inform the parent that their child will not be immunized without the prior written consent of the parent.

Parents will be notified in writing of any issues or concerns resulting from any physical or mental health screenings of their child.

Under circumstances where the health or safety of a student or others is in question during an

emergency situation, District personnel may conduct a physical or mental evaluation of the student or otherwise provide health services necessary to protect the health and welfare of the student or others consistent with Policy 3431. The parent(s) of the student receiving a physical or mental evaluation or other health services will be informed of the details of the emergency and the services provided as circumstances permit.

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

~~The District will not conduct physical examinations of a student or health services without parental consent to do so or by court order, unless the health or safety of the student or others is in question during an emergency situation consistent with District Policy 3431. Further, parents will be notified of the specific or approximate dates during the school year when screening administered by the District is conducted as well as notification of requirements of the District's policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy, which is:~~

~~Parents or eligible students will be given the opportunity to consent to the above-described screenings.~~

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

Montana Code Annotated	**Description**
20-3-324	Powers and duties
40-6-701	Interference with fundamental parental rights restricted

United States Code	**Description**
20 USC 1232h	Protection of pupil rights

Cross References

Code	**Description**
2132	Student and Family Privacy Rights
2158	Parent and Family Engagement and Educational

	Involvement
3305	Seclusion and Restraint
3431	Emergency Treatment
3431-NF(1)	Emergency Treatment - Accident Report

Policy 3510: School-Sponsored Activities **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 06/06/2023

School Sponsored Activities

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

1. Student Organizations:

    a. All curricular student clubs or organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.

    b. Bylaws and rules of curricular student clubs or organizations must not be contrary to Board policy or to administrative rules and regulations.

    c. Procedures in curricular student clubs or organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.

    d. Student led and initiated non-curricular student groups may meet at school in accordance with District Policy without the sponsorship of the School District.

2. Social Events

    a. Social events must have prior approval of the administration.

    b. Social events must be held in school facilities unless approved by the Board.

    c. Social events must be chaperoned at all times.

    d. Attendance at high school social events and dances shall be limited to high school students, and middle school social events shall be limited to middle school students, unless prior permission is received from the principal.

3. Extracurricular Activities

a. Academic and behavior eligibility rules are established by MHSA rules and District policy.

b. OPTIONAL: High school activities are for students enrolled in grates 8-12 or 9-12 consistent with MHSA rules

c. OPTIONAL: The Board authorizes the administration to consider requests to approve participation in high school activities by 8th grade students in consultation with parents at the request of the advisor or coach, consistent with this policy and MHSA rules. Additional coaches or chaperons may be required at the discretion of the administration if middle school and high school students are participating together.

d. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.

e. In establishing an interscholastic program, the Board directs the administration to:

i. Open all sports to all students enrolled in the District, with an equal opportunity for participation.

ii. Open all sports to residents of the school district and who is at least 5 years of age and not more than 19 on or before September 10 of the year in which participation in extracurricular activities is sought by such child in accordance with the provisions of this policy.

iii. Recommend sports activities based on interest inventories completed by the students.

4. Participation in District Extracurricular Activities by Unenrolled Children

a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home school meeting the requirements of section 20-5-109:

i. Is eligible to seek to participate in any extracurricular activity of the District that is offered to pupils of the district who are of the same age.

ii. Is subject to the same standards for participation as those required of full-time pupils enrolled in the school and the same rules of any interscholastic organization of which the school of participation is a member as specified in Section 3.a. and 3.b. of this policy and any related student or activity handbook provisions.

iii. Will be assessed for purposes of placement, team formation and cuts using the same criteria as used for full-time pupils enrolled in the District.

The District may prohibit or restrict the participation in extracurricular activities of a student attending a home school based on one or both of the following factors:

(i) the student's status as a United States citizen; and

(ii) the student's status as a Montana resident, as determined under the provisions of 1-1-215.

b. In cases where there is more than one school serving the same age group within District boundaries, a child under Section 4 of this policy shall be subject to the same school zone rules applicable to full-time pupils of the District. Participation for one school for one sport and another school for another sport is prohibited.

c. The academic eligibility for extracurricular participation for a student attending a nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the head administrator of the nonpublic school. No further verification shall be required.

d. The academic eligibility for extracurricular participation for a student attending a home school as specified under Section 4.a.ii shall be attested in writing by the educator providing the student instruction with verification by the school principal for the school of participation. The verification may not include any form of student assessment.

e. Students participating in extracurricular activities under Section 4 of this policy may be considered part-time enrollees for purposes of ANB in accordance with Policy 3150, 3121, and 3121P.

5. Designation of Athletic Teams

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

In accordance with Sec. 20-7-1306, MCA, the District shall designate all District-sponsored athletic teams or sports as one of the following based on biological sex:

a. males, men, or boys;

b. females, women, or girls; or

c. coed or mixed.

Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.

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

Montana Code Annotated	**Description**
20-5-112	Participation in extracurricular activities
20-9-311	Calculation of Average Number Belonging
40-6-701	Interference with fundamental parental rights restricted
40-6-703	Increase parental involvement in education

Code of Federal Regulations	**Description**
34 CFR 100.8(c)	Procedure for Effecting Compliance

Cross References

Code	**Description**
2158	Parent and Family Engagement and Educational Involvement
3150	Part-Time Enrollment
3530	Student Fund-Raising Activities
3550	Student Clubs
3550-NF(1)	Student Clubs - School District Student Club Application

Policy 1210: Qualifications, Terms, Duties of Board Officers **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 09/09/2022

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

Chairperson

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

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

~~The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board members, including the right to participate in debate and to vote. The Chairperson **SELECT OPTION**: **[may / may not]** make a motion but may second motions.~~

The Chairperson has the right to participate in all Board meetings in a manner equal to all other Trustees, including the right to make and second motions, participate in debate, and vote an all motions before the Board.

Vice Chairperson

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

Montana Code Annotated	**Description**
2-3-203	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions

20-3-321	Organization and officers
20-3-351	Number of trustee positions in high school districts
20-3-352	Request and determination of number of high school district additional trustee positions – nonvoting trustee

Cross References

Code	Description
1120	Annual Organizational Meeting
1332	Authorization of Signatures

Policy 1310: District Policy and Procedures **Status:** DRAFT

Original Adopted Date: 09/09/2022 **| Last Revised Date:** Pending **| Last Reviewed Date:** 09/09/2022

District Policy and Procedures

The policies contained in this manual are adopted, implemented, and enforced in accordance with the supervisory authority vested with the Board of Trustees in accordance with Article X, section 8 of the Montana Constitution and related statues, regulations and court decisions.

Adoption and Amendment of Policies

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

[OPTION ONE] The final vote for adoption shall take place not earlier than the third reading of the particular policy. New or revised policies that include required language changes based on State or Federal law or are required changes by administrative rule may be adopted after the first reading if sufficient notice has been given through the board agenda.

[OPTION TWO] The final vote for adoption shall take place not earlier than the second reading of the particular policy. New or revised policies that include required language changes based on State or Federal law or are required changes by administrative rule may be adopted after the first reading if sufficient notice has been given through the board agenda.

[OPTION THREE] The final vote for adoption may take place immediately following a single reading and discussion of the particular policy.

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

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

Policy Manuals

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

Suspension of Policies

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

Administrative Procedures

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

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

Montana Code Annotated	**Description**
20-3-323	District policy and record of acts

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

Administrative Rules of Montana	**Description**
10.55.701	Board of Trustees

Cross References

Code	**Description**
5121	Applicability of Personnel Policies and Professional Development
6121	District Organization

Policy 1700: Uniform Complaint Procedure **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 06/06/2023

Uniform Complaint Procedure

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

This ~~grievance~~ uniform complaint procedure shall by made available on the District's website ~~and the~~ at a location ~~of~~ which shall be included in all handbooks issued by the District.

~~The District requests individuals to use this complaint procedure to resolve concerns within the District when an when the individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.~~

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

A complaint is appropriate under this policy when an individual believes the District, its Board of Trustees, or an employee of the District, has violated the individual's rights or the rights of their child under state or federal law or Board policy. A complaint is not appropriate and therefore subject to dismissal when the basis for the complaint is disagreement with an action or omission of the District under circumstances where there has been no violation of the individual's rights or the rights of their child. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.

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

Level 1: Informal

An individual with a complaint ~~should~~ is strongly encouraged to first attempt to resolve the complaint by discussing it with the appropriate employee or building administrator with the objective of resolving the matter promptly and informally in accordance with ~~requirements of~~ Policy 2158. If such resolution is not possible, the individual may choose to file a formal written complaint in accordance with specifications at Level 2. ~~An exception to attempts at informal resolution is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.~~ If, however, the complaint involves allegations of sexual harassment, informal resolution with the alleged harasser is not encouraged, and a sexual harassment complaint should instead by submitted to the District's Title IX Coordinator in accordance with District Policy 3225 or 5012

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: ~~(1) the nature of the complaint, including the complaining individual's position to assert legal rights ; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved;~~ (1) a description of the event(s) or incident(s) giving rise to the complaint, including the approximate date, time, and location of the incident(s) or event(s), as well as the identities of any witnesses to the incident(s) or event(s); (2) an explanation of the rights the complaining party believes to have been violated; and (3) the remedy or resolution requested. The written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

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

If the complainant has reason to believe the building administrator's decision was made in error, the complainant may request, in writing, that the Superintendent review the building administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment ~~or Title IX~~ complaint, the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a ~~disability~~ Section 504 complaint, the coordinator shall complete an investigation and file a report and recommendation with the Building Administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

Level 3: Superintendent

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

If the complainant has reason to believe the Superintendent's decision was made in error, the complainant may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 4: The Board

Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal law or Board policy ~~upon~~ which the Board of Trustees has authority to remedy, the Board may consider the Superintendent's decision ~~in Level 2 or 3~~. It is the role of the Board to review the decision of the Superintendent for compliance with applicable District policies. It is not the role of the Board to reinvestigate the matter, and the Board is entitled to rely upon the facts determined during an investigation conducted at Level 2 or 3.

Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board, or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy.

If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. If the matter is heard by the Board or by an appeals panel, the Board shall have the authority to uphold the decision of the Superintendent; to reverse the decision of the Superintendent; to remand the case back to the Superintendent for further investigation or other action deemed necessary by the Board; or any combination of the above. ~~A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.~~

Montana Code Annotated	**Description**
20-20-108	Rescheduling Of School Election Canceled Due To Declaration Of State Of Emergency Or Disaster
20-3-210	Controversy appeals and hearings
20-5-323	Require trustees to adopt a grievance policy

Administrative Rules of Montana	Description
10.55.701	Board of Trustees
Title 10 Chapter 6	Rules of Procedure for All School Controversy Contested Cases Before the County Superintendent

United States Constitution	Description
First Amendment	Right to petition the Government for a redress of grievances

United States Code	Description
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
29 USC 701, et seq	Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990

Cross References

Code	Description
1400	Board Meetings
1420	School Board Meeting Procedure
1420-NF(1)	School Board Meeting Procedure - Notice Regarding Public Comment
2132	Student and Family Privacy Rights
2158	Parent and Family Engagement and Educational Involvement
2309	Library Program and Materials
2310	Selection of Library Materials
2310-P(1)	Selection of Library Materials - Procedure
2311	Instructional Materials
2311-P(1)	Instructional Materials - Procedure
2314	Instructional and Library Materials Review
2314-NF(1)	Instructional and Library Materials Review - Request for Reconsideration Form
2330	Controversial Issues and Academic Freedom
3125	Education of Homeless Children
3125-NF(1)	Education of Homeless Children - McKinney-Vento Homeless Education Assistance Dispute Resolution Form
3210	Equal Educational Opportunity and Nondiscrimination
3225	Sexual Harassment of Students

3225-P(1)	Sexual Harassment of Students - Procedure
3225-NF(1)	Sexual Harassment of Students - Sexual Harassment Reporting/Intake Form for Students
3226	Bullying
4310	Public Complaints and Suggestions
4316	Accommodating Individuals With Disabilities
5002	Accommodating Individuals With Disabilities
5010	Equal Employment Opportunity, Nondiscrimination, and Sex Equity
5125	Whistle Blowing and Retaliation

Policy 3612: School-Provided Access to Electronic Information, Services, Equipment, and Networks **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 09/09/2022

District-Provided Access to Electronic Information, Services, Equipment, and Networks

General

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

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

Curriculum

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

Acceptable Uses

1. Educational Purposes Only. All use of the District's equipment and electronic network must be: (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the equipment and computer network, and Internet access and any and all information transmitted or received in connection with such usage.

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

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

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

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

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

E. Uses that violatethe academic honesty requirements of Policy 3310P(2), including, but not limited to, use of District networks or equipment to access artificial intelligence or other online resources without prior authorization of the classroom teacher for the purpose of engaging in academic dishonesty.

Warranties/Indemnification

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

Violations

Violation of this policy will result in a loss of access and may result in other disciplinary or legal action. The principal will make all decisions regarding whether a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Montana Code Annotated	**Description**
20-5-201	Duties and Sanctions

United States Code	**Description**
47 U.S.C. 254(h) and (l)	Universal service
P.L. 106-554	Children's Internet Protection Act,
P.L. 110-385	Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

Cross References

Code	**Description**
2050	Innovative Student Instruction
2168	Remote Instruction from Non-District Sources
2170	Digital Academy Classes
2170-P(1)	Digital Academy Classes
3650	Montana Pupil Online Personal Information Protection Act
3650-F(1)	Montana Pupil Online Personal Information Protection Act - Montana Data Privacy Agreement