

# 3000 Series Students



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“Students”  
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1 Entrance, Placement, and Transfer

2  
3 Entrance, Date, and Age

4  
5 All waivers are granted in the sole discretion of the Trustees. Non-resident students may be  
6 admitted at the discretion of the Trustees. Children will be enrolled in the grade identified in  
7 accordance with District policy or at the discretion of the administration in consultation with the  
8 student’s parents or guardians. The District requires proof of identity and an immunization  
9 record for every child to be admitted to District schools. The trustees may at their discretion  
10 assign and admit a child to a school in the district who is under 5 years of age or an adult who is  
11 19 years of age or older if there are exceptional circumstances that merit waiving the age  
12 provision. The trustees may also admit an individual who has graduated from high school but is  
13 not yet 19 years of age even though no special circumstances exist for waiver of the age  
14 provision of this Policy.

15  
16 School Entrance

- 17  
18 1. The District requires that a student’s parents, legal guardian, or legal custodian present  
19 proof of identity of the child<sup>1</sup> to the school within forty (40) days of enrollment, as well  
20 as proof of residence in the District. Students who are not residents of the District may  
21 apply for admission pursuant to Policy 3141.  
22
- 23 2. To be admitted to the District school, in accordance with the Montana Immunization  
24 Law, a child must have been immunized against varicella, diphtheria, pertussis, tetanus,  
25 poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents  
26 approved by the Department of Health and Human Services or the local county health  
27 department. Immunizations may not be required if a child qualifies for conditional  
28 attendance or an exemption is filed as provided by Montana law.  
29
- 30 3. The above requirements are not to serve as barriers to immediate enrollment of students  
31 designated as homeless or foster children as required by the Every Student Succeeds Act  
32 (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work  
33 with the local child welfare agency, the school last attended, or other relevant agencies to  
34 obtain necessary enrollment documentation and ensure a student receives education  
35 services in the best interests of the child. The superintendent or designee shall serve as  
36 point of contact with all applicable agencies to review records, facilitate services, and  
37 resolve disputes.  
38

39 Placement

40  
41 The District goal is to place students at levels and in settings that will increase the probability of  
42 student success. Developmental testing, together with other relevant criteria including, but not  
43 limited to, health, maturity, emotional stability, and developmental disabilities, may be

1 For the purposes of this section “proof of identity” means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity. 44-2-511(6)(a), MCA

1 considered in the placement of all students. Final disposition of all placement decisions rests  
2 with the principal, subject to appeal to the Superintendent or the Board.

3  
4 Children of Relocated Military Families

5  
6 The Board shall assign and admit a child whose parent or guardian is being relocated to Montana  
7 under military orders to a school in the district and allow the child to preliminarily enroll in  
8 classes and apply for programs offered by the District prior to arrival and establishing residency.  
9

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

15  
16 Transfer

17  
18 District policies regulating the enrollment of students from other accredited elementary and  
19 secondary schools are designed to protect the educational welfare of children.

20  
21 Secondary Grades (9-12) Credit Transfer: A transfer of credits from any secondary school is  
22 subject to a satisfactory examination of the following:

- 23
- 24 1. Appropriate certificates of school accreditation;
- 25
- 26
- 27
- 28 2. Length of course, school day, and school year;
- 29
- 30 3. Content of applicable courses;
- 31
- 32 4. School building as it relates to credit earned (i.e., lab areas for appropriate science or
- 33 vocational instruction);
- 34
- 35 5. Appropriate evaluation of student performance leading toward credit issuance.
- 36

37 The District will follow Montana Accreditation Rules and Standard, along with local alternate  
38 procedures for earning credit, in reviewing requests for transfer of credits. The high school  
39 principal has authority for approving credit transfers, subject to review by the Superintendent or  
40 the Board.

41		
42	Legal Reference: § 20-5-101, MCA	Admittance of child to school
43	§ 20-5-403, MCA	Immunization required – release and
44		acceptance of immunization records

1 For the purposes of this section “proof of identity” means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity. 44-2-511(6)(a), MCA

1	§ 20-5-404, MCA	Conditional attendance
2	§ 20-5-405, MCA	Medical or religious exemption
3	§ 20-5-406, MCA	Immunization record
4	§ 44-2-511, MCA	School enrollment procedure
5	10.55.601 et seq., ARM	Accreditation Standards: Procedures
6	Chapter 20 – 2021 General Legislative Session	
7	HB 246 – 2021 General Legislative Session	
8		

9 Policy History:

10 Adopted on: February 2007

11 Revised on: April 15, 2008

12 Revised on: January 2016, March 2018, March 2020, June 2021

13

14 *Note: The revisions included the age range acceptance in lines 7-8 Page 1 as well as the*  
15 *footnote defining “proof of identity”.*

16 *January 2016 revisions include addition of varicella and clarification of immunization manner as*  
17 *per 2015 Montana Legislature.*

18 *March 2018 ESSA language added*

1 For the purposes of this section “proof of identity” means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity. 44-2-511(6)(a), MCA



**EDUCATIONAL AUTHORIZATION AFFIDAVIT**  
**Jefferson High School District #1**

*The completion and signing of the affidavit before a notary public are sufficient to authorize educational enrollment and services and school-related medical care for the named child. Please print clearly.*

The child named below lives in my home, and I am eighteen (18) years of age or older.

Name of child: \_\_\_\_\_

Child's date of birth: \_\_\_\_\_

My name (caretaker relative): \_\_\_\_\_

My date and year of birth: \_\_\_\_\_

My home address: \_\_\_\_\_

My relationship to the child: \_\_\_\_\_

*(The caretaker relative must be an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the caretaker relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child.)*

I hereby certify that this affidavit is not being used for the purpose of circumventing school residency laws, to take advantage of a particular academic program or athletic activity, or for an otherwise unlawful purpose.

The child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school. The school may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school may require the child to comply with a behavior contract as a condition of enrollment.

*Check the following if true (all must be checked for this affidavit to apply):*

A parent of the child identified above has left the child with me and has expressed no definite time period when the parent will return for the child.

The child is now residing with me on a full-time basis.

No adequate provision, such as appointment of a legal custodian or guardian or execution of a notarized power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.

**DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT, OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.**

Policy History:

Adopted on: February 2007

**STUDENTS**

3120

Compulsory Attendance

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

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

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

Compulsory attendance stated above will not apply when children:

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

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

Policy History:

Adopted on: February 2007

Revised on:

1 Enrollment and Attendance Records

2  
3 Since accurate enrollment and attendance records are essential both to obtain state financial  
4 reimbursement and to fulfill the District's responsibilities under the attendance laws, staff shall  
5 be diligent in maintaining such records.

6  
7 A district may only include, for ANB purposes, any student who participates in pupil instruction  
8 as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20,  
9 including but not limited to an enrolled student who is:

- 10  
11 • A resident of the district or a nonresident student admitted by trustees under a student  
12 attendance agreement and who is attending a school of the district;
- 13  
14 • Unable to attend school due to a medical reason certified by a medical doctor and  
15 receiving individualized educational services supervised by the district, at district  
16 expense, at a home or facility that does not offer an educational program;
- 17  
18 • Unable to attend school due to the student's incarceration in a facility, other than a youth  
19 detention center, and who is receiving individualized educational services supervised by  
20 the district, at district expense, at a home or facility that does not offer an educational  
21 program;
- 22  
23 • Living with a caretaker relative under § 1-1-215, MCA
- 24  
25 • Receiving special education and related services, other than day treatment, under a  
26 placement by the trustees at a private nonsectarian school or private program if the  
27 student's services are provided at the district's expense under an approved individual  
28 education plan supervised by the district;
- 29  
30 • Participating in the Running Start Program at district expense under § 20-9-706, MCA;
- 31  
32 • Receiving education services provided by the district, using appropriately licensed  
33 district staff at a private residential program or private residential facility licensed by the  
34 Department of Public Health and Human Services;
- 35  
36 • Enrolled in an educational program or course provided at district expense using electronic  
37 or offsite delivery methods, including but not limited to tutoring, distance learning  
38 programs, online programs, and technology delivered learning programs, while attending  
39 a school of the district or any other nonsectarian offsite instructional setting with the  
40 approval of the trustees of the district;
- 41  
42 • A student of the district completing work on a proficiency basis in accordance with  
43 Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- 44

- 1 • A student gaining credit for participating in a work-based learning program pursuant to  
2 [New Section 8] of Chapter 247, Laws of 2021 and Policy 2600;  
3
- 4 • A student participating in an “innovative educational program” as defined in Section 15-  
5 30-3102, MCA;  
6
- 7 • A resident of the district attending a Montana job corps program under an inter-local  
8 agreement with the district under § 20-9-707, MCA.  
9
- 10 • A resident of the district attending a Montana Youth Challenge Program under an inter-local  
11 agreement with the district under § 20-9-707, MCA.  
12
- 13 • A student with a disability who is over 19 years old but under 21 years of age, has been  
14 enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in  
15 accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools,  
16 if the following criteria are satisfied:  
17
  - 18 ○ The student has not graduated;
  - 19 ○ The student is eligible for special education services and is likely to be eligible for  
20 adult services for individuals with developmental disabilities due to the  
21 significance of the student’s disability; and
  - 22 ○ The student’s individualized education program has identified transition goals that  
23 focus on preparation for living and working in the community following high  
24 school graduation since age 16 or the student’s disability has increased in  
25 significance after age 16.  
26

27  
28 In order for a student who is served through distance learning or offsite delivery methods to be  
29 included in the calculation of average number belonging, the student must meet one or more of  
30 the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.  
31

32 Enrollment for Purposes of Participation in Extracurricular Activities by an Unenrolled Child or  
33 Part Time Enrolled Student  
34

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

- 36 a. Resided in the District;
- 37 b. Was not enrolled in the District or was not enrolled full time; and
- 38 c. Completed an extracurricular activity with a duration of at least 6 weeks in  
39 accordance with Policy 3510.

40 Each completed extracurricular activity that, inclusive of practices and post-season tournaments,  
41 lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed  
42 extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A  
43 child may not be counted as more than one full-time enrollment for ANB purposes.  
44

45 For purposes of calculating ANB under this section, “extracurricular activity” means:

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- 1 a. A sport or activity sanctioned by an organization having jurisdiction over
- 2 interscholastic activities, contests, and tournaments;
- 3 b. An approved career and technical student organization, pursuant to Section 20-7-
- 4 306, MCA; or
- 5 c. A school theater production.

6  
7 Homeless Youth and Foster Children

8  
9 Assignment to schools shall be subject to modification when federal law applicable to students  
10 placed in foster care or students who are homeless requires that such students be educated in a  
11 “school of origin” that differs from the assigned school.

14	Cross Reference:	Policy 2600	Work Based Learning
15		Policy 3510	School Sponsored Activities
17	Legal Reference:	§ 1-1-215, MCA	Residence – Rules for determining
18		§ 20-9-311, MCA	Calculation of average number belonging (ANB)
19			--three-year averaging.
20		§ 20-9-706, MCA	Running Start Program
21		§ 20-9-707, MCA	Agreement with accredited Montana job corps
22			program
23		29 U.S.C. 794	Nondiscrimination under Federal grants
24			and programs
25		34 CFR 300.1, et seq.	Individuals with Disabilities Education Act
26		Chapter 297	2021 General Legislative Session
27		Chapter 269	2021 General Legislative Session
28		Chapter 247	2021 General Legislative Session
29		Chapter 406	2021 General Legislative Session

30  
31 Policy History:

32 Adopted on: February 2007  
33 Revised on: August 2018, August 2021

34  
35 *Revision Note: Added Lines 9 thru 13 on page 2*

1 Enrollment and Attendance Records

2  
3 Average Number Belonging

4  
5 Average Number Belonging (ANB) is the enrollment measure used for the State Foundation  
6 Program calculations as defined in § 20-9-311, MCA. The ANB of one year is based on the  
7 attendance records of the preceding year. Funding for districts is based on ANB, which is based  
8 on “aggregate hours” per year and must be accurate. “Aggregate hours” means the hours of  
9 pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

10  
11 For a child to be counted for ANB purposes:

- 12  
13 a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;  
14  
15 b) Attending 181 to 359 aggregate hours = One-quarter time enrollment  
16  
17 c) Attending 360 to 539 aggregate hours = One-half time enrollment  
18  
19 d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment  
20  
21 e) Attending 720 aggregate hours or more = Full-time enrollment

22  
23 Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year  
24 may not be included for ANB purposes unless the pupil has demonstrated proficiency in the  
25 content ordinarily covered by the instruction as determined by the school board using district  
26 assessments. The ANB must be converted to an hourly equivalent based on the hours of  
27 instruction ordinarily provided for the content over which the student has demonstrated  
28 proficiency. 20-9-311(4)(d).

29  
30 Homebound Students

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

- 34  
35 a) Is enrolled and is currently receiving organized and supervised pupil instruction;  
36  
37 b) Is in a home or facility which does not offer a regular educational program; and  
38  
39 c) Has instructional costs during the absence, which are financed by the District’s general  
40 fund.

41  
42 If a homebound student does not meet the criteria set forth above, the District may request a  
43 variance through the Office of Public Instruction, for consideration of the student in the  
44 enrollment count for ANB purposes beyond the tenth (10th) day of absence.

1 Attendance Accounting

2  
3 Days present and absent for every student are to be recorded in each building, for the purpose of  
4 informing parents of a student's attendance record.

5  
6 On the first (1st) Monday in October, and on February 1st (or the next school day if those dates  
7 do not fall on a school day), the number of all enrolled students (whether present or absent) by  
8 grade level and class will be recorded on the forms provided by the District. Children who are  
9 enrolled in special programs sixteen (16) hours or more a week will be listed separately. The  
10 Director of Special Education should be contacted to verify this count. Monthly student counts  
11 of enrolled children by grade and classroom will be provided by the office.

12  
13 Legal Reference: 10.20.102, ARM Calculation of Average Number Belonging (ANB)  
14 § 20-1-101, MCA Definitions

15  
16 Procedure History:

17 Promulgated on: February 2007  
18 Revised on: July 2013  
19 Revised: January 2016

20  
21 *Note: The revision allows the District to count a student for ANB if they attend less than 180*  
22 *aggregated hours. The revision also requires a third (3rd) ANB count in December.*  
23 *January 2016 Revision removes the December count date as per 2015 Montana Legislature*

**STUDENTS**

Attendance Policy

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

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

Policy History:

Adopted on: February 2007

Revised on:



1 Attendance Policy

2  
3 In order to graduate from Jefferson High School, a student must complete twenty-one (21)  
4 credits. Completion of a course at Jefferson High School will be defined as receiving a grade of  
5 D- or higher and attendance to include not more than eight (8) absences per class per semester.  
6 This attendance criteria is based on the theory that prompt and regular attendance in school is the  
7 beginning of dependability in adult business, personal, and social life. Furthermore, regular  
8 attendance is important, because valuable skills and information gained in the classroom may or  
9 may not show up on tests or be reflected in an academic grade. The general welfare of all  
10 students is best served by regular attendance.

- 11
- 12 1. A student will be allowed eight (8) absences per class, per semester. Any absence  
13 beyond that number may mean a loss of credit in those subjects missed.
  - 14
  - 15 2. The ONLY absences that WILL NOT be used in calculating the attendance record are:  
16
    - 17 a. School-sponsored/Co-curricular Activities: Those that occur due to school-  
18 sponsored activities, since these are considered an  
19 equivalent educational experience. These exemptions will apply to students  
20 participating in sports events, cheerleading, music-related events, FFA trips,  
21 academic field trips, and others deemed co-curricular.
    - 22
    - 23 b. Bereavement: a death of an immediate family (grandmother, grandfather, father,  
24 mother, sister, brother) and the associated activities when properly excused.
    - 25
    - 26 c. College visitations: Juniors and seniors are granted two (2) days of college-  
27 organized college visitations per year.
    - 28
    - 29 d. Medical Illness: Illness or hospitalization verified by a doctor's statement.  
30
    - 31 e. Failure of a bus/Inclement Weather: Student's absence due to failure of a bus to  
32 provide them transportation and/or road closure to the student's swellings.
  - 33
  - 34 3. Absences which will be counted in the eight-(8)-day limit will include such areas as:  
35 family trips, work days, vacations, visiting friends or relatives, watching tournaments  
36 when not an actual participant, hair, medical, dental, or photography appointments,  
37 skiing, hunting, court appearances, attending concerts, shopping, or any others not  
38 mentioned which are unacceptable to the administration.
  - 39
  - 40 4. After the fourth (4<sup>th</sup>) and sixth (6<sup>th</sup>) and eighth (8<sup>th</sup>) absence from school/class, a letter or  
41 phone call to the parent or guardian will be made to notify them that their son/daughter is  
42 approaching the maximum limit.
  - 43
  - 44 5. Following the sixth (6<sup>th</sup>) absence the student will report to the principal and account for

1 the history of the six (6) absences.  
2  
3

4 6. The eighth (8th) absence will result in a conference with the principal, student, parent or  
5 guardian, or an adult representative.  
6

7 7. After the student has exceeded the eight-(8)-day limit, the principal will meet with the  
8 student and formulate a plan to make up the excess absence(s). The Plan will be signed  
9 by student, parents, and administration.  
10

11 8. If a student fails to meet the parameters of the Plan, he/she will be denied credit.  
12

13 9. Any decision to withhold credit can be appealed to the Superintendent.  
14

15 10. If the appeal is not granted, the student, parent, guardian, or adult representative may  
16 appeal the decision to the Board.  
17

18 Rewards for Good Attendance  
19

20 Students who have no absences or one (1) absence from a class in any quarter will be given  
21 special recognition.  
22

23 The student/parent handbook further defines the consequences for absences.  
24  
25  
26

27 Procedure History:

28 Promulgated on: February 2007

29 Revised on: August 11, 2009, May 20, 2014  
30

31 *Note: The 2009 revision includes all references to dropping the absences from 10 to 8. The 2014*  
32 *revision alters the procedure for excess absences.*

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1 Attendance Policy – Truancy

2  
3 Students are expected to attend all assigned classes each day. Teachers shall keep a record of  
4 absences and tardiness. Before the end of the school day, each school shall attempt to contact  
5 every parent, guardian, or custodian whose child is absent from school but who has not reported  
6 the child as absent for the school day, to determine whether the parent, guardian, or custodian is  
7 aware of the child’s absence from school.

8  
9 For the purpose of this policy “truant” or truancy” means the persistent non-attendance without  
10 excuse, as defined by this policy, for all or any part of a school day equivalent to the length of  
11 one class period of a child required to attend a school under 20-5-13. “Habitual truancy” means  
12 recorded unexcused absences of 9 or more days or 54 or more parts of a day, whichever is less,  
13 in 1 school year.

14  
15 The Jefferson High School district’s definition of non-attendance without excuse is stated in the  
16 Student Handbook.

17  
18 The Jefferson High School district has appointed the principal as the attendance officer. If the  
19 district does not appoint an attendance office, the county superintendent must be the attendance  
20 officer.

21  
22 Upon the board designation one or more of its staff as the attendance officer, the attendance  
23 officer shall have the powers and duties as stated in 20-5-105(1) (Section 2), MCA

24		
25	Legal Reference:	§ 20-5-103, MCA                      Compulsory attendance and excuses
26		§ 20-5-104, MCA                      Attendance officer
27		§ 20-5-105, MCA                      Attendance officer – Powers and Duties
28		§ 20-5-106, MCA                      Truancy
29		§ 20-5-107, MCA                      Incapacitated and indigent child attendance
30		§ 41-5-103(22), MCA                Definitions
31		

32 Policy History:  
33 Adopted on: June, 18, 2013  
34 Revised on:

35  
36 *Revision Note:*

STUDENTS

1 Military Compact Waiver

2  
3 The State of Montana is one of numerous states across the country that is a member of the  
4 Interstate Compact on Educational Opportunity for Military Children. As a school district within  
5 the State of Montana subject to the laws of the State of Montana, the District shall follow the  
6 requirements of the Compact for students who enroll at the District for whom the Compact  
7 applies.

8  
9 Purpose

10  
11 The purpose of the Interstate Compact on Educational Opportunity for Military Children is to  
12 remove barriers to educational success for children of military families due to frequent relocation  
13 and deployment of their parents. The Compact facilitates educational success by addressing  
14 timely student enrollment, student placement, qualification and eligibility for programs  
15 (curricular, co-curricular, and extra-curricular), timely graduation, and the facilitation of  
16 cooperation and communication between various member states' schools.

17  
18 Applicability

19  
20 This Compact applies only to children of:

- 21  
22 1. Active duty members of the uniformed services as defined in the Compact, including  
23 member of the national guard and reserve on active duty orders pursuant to 10 U.S.C.,  
24 12301(d) and 12304;  
25  
26 2. Members of the veterans of the uniformed services who are severely injured and  
27 medically discharged or retired for a period of 1 year after medical discharge or  
28 retirement; and  
29  
30 3. Members of the uniformed services who die on active duty or as a result of injuries  
31 sustained on active duty for a period of 1 year after death.

32  
33 Educational Records and Enrollment

- 34  
35 1. **Hand Carried/Unofficial Educational Records:** In the event that official educational  
36 records cannot be released to a parent for the purpose of school transfer, the custodian of  
37 records from the sending school shall prepare and furnish to the parent a complete set of  
38 unofficial educational records containing uniform information as determined by the  
39 Interstate Commission.

40  
41 Upon receipt of the unofficial educational records, the District shall enroll and  
42 appropriately place the student based upon the information the school receives in the  
43 unofficial educational records, pending validation by the official records, as soon as  
44 possible.

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- 2. **Official Educational Records/Transcripts:** At the time of enrollment and conditional placement of a qualifying student at the District, the District shall request the student’s official educational records from their last school of attendance.

A school receiving such a request shall process the official educational records request and furnish such within a period of ten (10) days, or within the timeline determined to be reasonable by the Interstate Commission.

- 3. **Immunizations:** The District shall provide a period of thirty (30) days from the date of enrollment, or such other time frame as determined by the rules of the Interstate Commission, within which students may obtain any immunizations required by the District. Where the District’s requirements include a series of immunizations, initial vaccinations must be obtained within thirty (30) days, or within the timeline determined to be reasonable by the Interstate Commission.

- 4. **Entrance Age:** Students shall be allowed to continue their enrollment at grade level at the District, commensurate with their grade level from their receiving school, including kindergarten, at the time of transition. However, the provisions of Montana Code 20-5-101 regarding trustees enrolling a child in kindergarten or in first grade whose fifth (5<sup>th</sup>) or sixth (6<sup>th</sup>) birthday occurs on or before the tenth (10<sup>th</sup>) day of September of the school year in which the child is to enroll but is not yet 19 years of age, shall continue to apply.

A student who has satisfactorily completed the prerequisite grade level in the sending school shall be eligible for enrollment in the next highest grade level in the District, at the receiving school, regardless of age.

A student who is transferring into the District after the start of the school year shall enter the District on the student’s validated grade level from an accredited school in the sending state.

Placement and Attendance

- 1. **Course Placement:** Upon transfer of a qualifying student, the receiving District shall place the student in courses consistent with the student’s courses in the sending school and/or the school’s educational assessments.

Course placement includes, but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses.

Continuing the student’s academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This requirement does not preclude the District from performing

1 subsequent evaluations to ensure appropriate placement and continued enrollment of the  
2 student in the course(s).

3  
4 **2. Educational Program Placement:** The District shall initially honor placement of the  
5 student in educational programs based on current educational assessments conducted at  
6 the sending school or participation/placement in similar programs at the sending school.

7  
8 Educational program placement includes, but is not limited to, gifted and talented  
9 programs and English as a second language. This requirement does not preclude the  
10 District from performing subsequent evaluations to ensure appropriate placement of the  
11 student.

12  
13 **3. Special Education Services:** In compliance with the federal requirements of the  
14 Individuals with Disabilities Education Act, the District, as the receiving school, shall  
15 initially provide comparable services to a student with disabilities based on his or her  
16 current Individual Education Plan.

17  
18 In compliance with Section 504 of the Rehabilitation Act and with Title II of the  
19 Americans with Disabilities Act, the District, as the receiving school, shall make  
20 reasonable accommodations and modifications to address the needs of incoming students  
21 with disabilities consistent with his or her existing 504 or Title II Plan.

22  
23 This does not preclude the District, as the receiving school, from performing subsequent  
24 evaluations to ensure appropriate placement and/or accommodations are made for the  
25 student.

26  
27 **4. Placement Flexibility:** The District’s Administration shall have the flexibility to waive  
28 course/program prerequisites or other preconditions for placement in courses/programs  
29 offered by the receiving District.

30  
31 **5. Absences Relating to Deployment Activities:** A student whose parent/legal guardian is  
32 an active duty member of the uniformed services and has been called to duty for, is on  
33 leave from, or immediately returned from deployment in a combat zone or combat  
34 support position, shall be granted additional excused absences at the discretion of the  
35 District’s Superintendent to visit with his or her parent/legal guardian relative to such  
36 leave or deployment of the parent/guardian.

37  
38 Eligibility

39  
40 **1. Eligibility for Enrollment:** A Special Power of Attorney pertaining to the guardianship  
41 of a student of a military family and executed under applicable law shall be sufficient for  
42 the purposes of enrollment and all other actions requiring parental participation and  
43 consent.  
44

1 The receiving District shall not charge tuition to a transitioning military student placed in  
2 the care of a noncustodial parent or other person standing in loco parentis who lives in a  
3 jurisdiction other than that of the custodial parent.  
4

5 A transitioning military student, placed in the care of a noncustodial parent or other  
6 person standing in loco parentis who lives in a jurisdiction other than that of the custodial  
7 parent, may continue to attend the school in which he or she was enrolled when residing  
8 with the custodial parent.  
9

- 10 **2. Eligibility for Extra-Curricular Activity Participation:** The District shall facilitate the  
11 opportunity for transitioning military students' inclusion in extracurricular activities,  
12 regardless of application deadlines, to the extent the student is otherwise qualified.  
13

14 Graduation  
15

16 In order to facilitate the on-time graduation of children of military families, the receiving District  
17 shall incorporate the following procedure:  
18

- 19 **1. Graduation Course Requirements – Waiver:** The receiving District's Administration,  
20 through the Superintendent or designee, shall waive specific courses that are required for  
21 graduation if similar coursework has been satisfactorily completed at another school.  
22

23 If the District does not waive the specific course requirement for graduation, the District  
24 shall provide a reasonable justification for the denial. This justification shall be provided  
25 to the parent/legal guardian in writing.  
26

27 If the receiving District does not waive the specific course requirement for graduation  
28 and the student would have otherwise qualified to graduate from the sending school, the  
29 receiving District shall provide an alternative means of acquiring required course work to  
30 ensure that the student's graduation will occur on time.  
31

- 32 **2. Exit Exams:** In lieu of testing requirements required for graduation at the receiving  
33 District, the District and the State of Montana shall accept any or all of the following:  
34

- 35 A. Exit exams or end-of-course exams required for graduation from the sending  
36 school;  
37 B. National norm-referenced achievement tests; or  
38 C. Alternative testing.  
39

40 In the event the above alternatives cannot be accommodated by the receiving District for  
41 a student transferring during his or her senior year, subsection 3, below, shall apply.  
42

- 43 **3. Transfer During Senior Year of High School:** Should a military student transferring at  
44 the beginning of or during the senior year be ineligible to graduate from the receiving

1 District after all alternatives have been considered, the sending school and the receiving  
 2 District shall ensure the receipt of a diploma from the sending school if the student meets  
 3 the graduation requirements of the sending school.  
 4

5 In the event that one of the states in question is not a member of this Compact, the  
 6 member state shall use best efforts to facilitate the on-time graduation of the student.  
 7

8 Conflicts  
 9

10 All state laws and District policies that conflict with this policy and/or in conflict with the  
 11 Compact are superseded to the extent of the conflict.  
 12

13 Cooperation  
 14

15 The receiving District, through its administration, shall timely cooperate with all state agency  
 16 inquiries and other District/school inquiries relating to a student who is covered by the Compact.  
 17

18			
19	Cross Reference:	2333	Participation in Commencement Exercises
20		2410 – 2410P	High School Graduation Requirements
21		2413	Credit Transfer and Assessment for
22			Placement
23		3110	Entrance, Placement, and Transfer
24			

25	Legal Reference:	20-1-230, MCA	Enactment – interstate Compact on
26			Educational Opportunity for Military
27			Children - provisions
28			

29 Policy History:

30 Adopted on: March 2018

31 Revised on:

32  
 33 *Revision Note:*



STUDENTS

3125

Education of Homeless Children

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

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

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

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

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

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

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


Cross Reference: 1700 Uniform Complaint Procedure  
3125F McKinney-Vento Homeless Educational Assistance Dispute Resolution Form

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

Policy History:

Adopted on: February 2007

Revised on: March 2018, March 2020

 <p>Office of Public Instruction Elsie Arntzen Superintendent PO Box 202501 Helena, MT 59620-2501</p>	<p><b>McKinney-Vento Homeless Education Assistance Dispute Resolution Form</b></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

1 School District: \_\_\_\_\_ Liaison: \_\_\_\_\_

2 Telephone: \_\_\_\_\_

3 Date of first contact by homeless individual, guardian, or representative: \_\_\_\_\_

4 Homeless Student's Name: \_\_\_\_\_

5 Describe the issue(s) in question: \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 School District Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_

12 (Superintendent / Principal)

13 Date: \_\_\_\_\_ (within 7 business days)

14 Resolution at the Liaison/School District Level (describe below) \_\_\_\_\_ or  
15 Forwarded to OPI Homeless Coordinator [please contact at (406) 444-2036] \_\_\_\_\_

16 Date: \_\_\_\_\_ (within 15 business days)

17 Resolution at OPI Homeless Coordinator Level (describe below) \_\_\_\_\_ or  
18 Forwarded to Superintendent of Public Instruction \_\_\_\_\_

19 \_\_\_\_\_

20 Describe Resolution Results: \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 Homeless Coordinator Signature: \_\_\_\_\_

28 \_\_\_\_\_

29 This form must be filed with Heather Denny,  
30 Homeless Coordinator  
31 Office of Public Instruction  
32 P.O. Box 202501  
33 Helena, MT 59620-2501

34 \_\_\_\_\_

35 \_\_\_\_\_

1 Proficiency-Based ANB

2

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

5

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

13

14

15

16	Legal Reference:	20-1-301, MCA	School fiscal year
17		20-9-311(4)(a)(b)(d), MCA	Calculation of average number belonging
18			(ANB) – 3-year averaging
19		20-3-324, MCA	Powers and duties
20		10.55.906 ARM	High School Credit

21

22 Policy History:

23 Adopted on: August 2018

24 Revised on: March 2020

25

26 *Revision Note:*

1 Students of Legal Age

2  
3 Every student eighteen (18) years of age or older like all other students, will comply with the  
4 rules established by the District, pursue the prescribed course of study, and submit to the  
5 authority of teachers and other staff members as required by policy and state law. The  
6 administration is authorized to make exceptions to this policy for students related to reasons that  
7 include but are not limited to homelessness, emancipation, or applicable court order.  
8

9 Forms

10 Adult students who reside with parents or guardians and/or are classified as dependents of  
11 parents or guardians for tax purposes must have applicable forms completed by parents or  
12 guardians.  
13

14 Admission to School

15  
16 The residence of an adult student who is not residing with a parent or guardian will be  
17 considered the residence for school purposes.  
18

19 Field Trips/Athletic Programs

20  
21 Approved forms for participation will be required of all students. The form should indicate that  
22 the signature is that of the parent.  
23

24 Absence/Lateness/Tuancy

25  
26 Absence notes will be signed by parents or guardians. Excessive absences will result in  
27 consequences according to policy 3122P and will be reported on the report card.  
28

29 Suspension/Expulsion

30  
31 All suspension and/or expulsion proceedings will conform to the requirements of state statutes.  
32 Notification of all such proceedings will be sent to parents or guardians.  
33

34 Withdrawal from School

35  
36 Adult students may withdraw from school under their own cognizance. Counselors will guide  
37 and counsel potential dropouts and encourage their continued attendance. Parents will be  
38 notified of impending dropouts by the school.  
39

40 Permission to Inspect Student Records

41  
42  
43 A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible  
44 student has the right to access and inspect their student records. An eligible student may not

**STUDENTS**

1 prevent their parents from accessing and inspecting their student records if they are a dependent  
2 of their parents in accordance with Internal Revenue Service regulations.

3 Report Cards

4  
5 Progress reports will be sent to the parent or legal guardian.

6  
7 Excuses from School

8  
9 The school will verify requests from students who wish to leave school early for reasons such as  
10 job interviews, college visits, driver testing, etc., with the organization being visited. Permission  
11 to leave school early may be denied for what is considered a non-valid reason.

12  
13 Financial Responsibility

14  
15 Students of legal age can be held financially responsible for damage to school property.

16  
17  
18  
19 Policy History:

20 Adopted on: February 2007  
21 Revised on: January 2016, March 2020, May 2021

22  
23 January 2016 revision notes: Replaced paragraph in Permission to Inspect Student Records  
24 section.

1 Discretionary Nonresident Student Attendance Policy

2  
3  
4 The parents or guardians of the student must complete and submit to the Superintendent an out-  
5 of-district attendance agreement form preceding the requested admission. The Superintendent  
6 may accept a late application if good cause is shown.

- 7  
8 1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at  
9 its discretion.  
10  
11 2. The Superintendent will recommend to the Board any nonresident student admission in  
12 accordance with this policy, with the Board making the final decision on admission.  
13  
14  
15 3. The District will examine a student’s records from this District and other school districts  
16 before any Board approval for admission. Review of the records and decisions regarding  
17 admission cannot be inconsistent with District policies regarding nondiscrimination.  
18  
19  
20  
21  
22 4. The District will not admit nonresident students when doing so would cause the district to  
23 exceed the class size standards under 10.55.712 and 10.55.713, ARM.  
24  
25  
26 5. All resident students who become nonresidents because their parents or guardians move  
27 out of the District may continue attendance for the school year, barring registration in  
28 another District. At the completion of the semester, a student must apply as a nonresident  
29 student.  
30  
31 6. The Board reserves the right to charge tuition for nonresident students. At its discretion,  
32 the Board may charge or waive tuition for all students whose tuition is required to be paid  
33 by one kind of entity, defined as either a parent or guardian or a school district. Any  
34 waiver of tuition will be applied equally to all students whose tuition is paid by the same  
35 kind of entity (i.e., if the District charges tuition in those circumstances where a resident  
36 district pays but waives tuition in those circumstances where a parent or guardian is  
37 responsible for tuition, the tuition waiver will be applicable to all students whose parents  
38 or guardians bear the responsibility for payment).  
39  
40 7. All nonresident students will be considered ineligible transportees for school  
41 transportation services (§ 20-10-101, MCA).  
42  
43  
44 8. The Board will not admit any student who is expelled from another school district.  
45

STUDENTS

1 9. Nonresident students enrolled under this policy are subject to all District policies, rules,  
2 and regulations on the same basis as resident students.

3  
4  
5 Cross Reference: Policy 2161 -2161P Special Education  
6 Policy 3110 Entrance, Placement, and Transfer  
7 Policy 3125 Education of Homeless Children  
8 Policy 3210 Equal Education, Nondiscrimination and Sex Equity  
9

10 Legal Reference: § 20-5-314, MCA Reciprocal attendance agreement with adjoining  
11 State or province  
12 § 20-5-320, MCA Attendance with discretionary approval  
13 § 20-5-321, MCA Attendance with mandatory approval – tuition and  
14 transportation  
15 § 20-5-322, MCA Residency determination – notification – appeal for  
16 attendance agreement  
17 § 20-5-323, MCA Tuition and transportation rates  
18 10.10.301B, ARM Out-of-District Attendance Agreements  
19 10.55.713, ARM Teacher Load and Class Size – High School  
20

21 Policy History:

22 Adopted on: February 2007

23 Revised on: December 2018

24  
25 *Revision Note: 2018 Revision to clarify responsibilities of District and ensures conformity with*  
26 *ARM rules.*

**STUDENTS**

Foreign Exchange Students

It is the policy of the Board to recognize the benefits from foreign exchange students in the District. The Board does not, however, sponsor foreign exchange programs or provide financial contributions to any foreign exchange students. 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 Jefferson High School. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the District.

Legal Reference: 20 U.S.C. 221, et seq.

Policy History:

Adopted on: February 2007

Revised on:



1 Foreign Exchange Students

2  
3 Admission Requirements

- 4  
5 1. Foreign exchange students must be eighteen (18) years of age or younger at the time of  
6 enrollment.  
7  
8 2. Foreign exchange students must reside with a legal resident of the District. Limited  
9 exceptions may be granted at the discretion of the Board.  
10  
11 3. Foreign exchange students must have sufficient knowledge of the English language to  
12 enable effective communication and to use instructional materials and textbooks printed  
13 in English.  
14  
15 a. An English proficiency test of the District's own choosing may be administered  
16 and will supersede all other tests.  
17  
18 b. If an organization places a student who, upon arrival, is deemed by the District to  
19 be deficient in English language proficiency, the organization will do one of the  
20 following:  
21  
22 i. Terminate the student's placement.  
23 ii. Provide, and pay for, tutorial help until the student reaches proficiency, as  
24 determined by the District.  
25

26 Academic Standards and Graduation

- 27  
28 1. Foreign exchange students will be expected to meet all appropriate standards required of  
29 any student enrolled in the District.  
30  
31 2. Foreign exchange students who attend the full senior class school year may graduate  
32 from or receive a diploma from the Jefferson High School provided they meet or exceed  
33 the minimum of 21 credits as required by the State of Montana and Jefferson High  
34 School and as verified by the school guidance counselor. All other foreign exchange  
35 students may participate in approved ceremonies.  
36

37 Student Opportunities/Responsibilities

- 38  
39 1. Foreign exchange students will be expected to enroll in the following academic classes  
40 while attending Jefferson High School:  
41 a. One (1) English class;  
42 b. One (1) United States history class or one (1) government class;  
43 c. Maintain enrollment in at least six (6) classes.  
44

- 1 2. Foreign exchange students are eligible to participate in the High School Activities  
2 Program. Guidelines for participation are set by District policy and by the Montana High  
3 School Association, as follows:  
4  
5 a. RECOGNITION. The student must be a participant of an “official Foreign  
6 Exchange Program” as defined in the publication from the National Association  
7 of Secondary School Principals, entitled, “Advisory List of International  
8 Educational Travel and Exchange Programs”.  
9
- 10 3. Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets,  
11 yearbook costs, athletic fees, cap and gown fees, lunch prices, and all other school  
12 incurred expenses that are expected of other students enrolled in the High School.  
13
- 14 4. Foreign exchange students must maintain passing grades in all classes, follow rules and  
15 regulations of District student policies, and show satisfactory discipline and attendance.  
16 Failure to comply with these expectations shall result in dismissal of the student from the  
17 District’s Foreign Exchange Program.  
18
- 19 5. Jefferson High School will accept a maximum of three (3) individually sponsored  
20 exchange students, on a first come, first serve basis based on administrative  
21 recommendations.  
22  
23  
24

25 Procedure History:

26 Promulgated on: February 2007  
27 Revised on: February 15, 2011  
28  
29

30 *Note: Changes to this revision include #2 in the “Academic and Standards” section, the striking*  
31 *of “B” under #2 of page 2, and inclusion of “based on administrative recommendations” at the*  
32 *end of #5.*

**STUDENTS**

Part-Time Attendance

The District will review requests for part-time enrollment of students for purposes of academic courses on a case-by-case basis, with a building principal making a preliminary decision pursuant to the criteria set forth in this Policy. Denial of part-time enrollment may be appealed pursuant to policy 1700.

Criteria for accepting students for part-time enrollment are the following:

1. Accepting a student will not create excess student enrollment in a requested class;
2. Accepting a student will not create need for an additional staff member;
3. Accepting a student will not cause a new section of a course to be created.

The District will accept on a first-come, first-served basis students wishing to enroll in the same course. Whenever the enrollment position of a part-time student is needed for a regular, full-time student during the year, a full-time student has priority for the position beginning with the next semester.

Participation in District Extracurricular Activities by Unenrolled Children

This policy does not restrict or limit the ability of unenrolled children to seek to participate in extracurricular activities in accordance with Policy 3510. The District may secure ANB for unenrolled children participating in identified extracurricular activities in accordance with Policy 3121.

Cross Reference:	Policy 3121	Enrollment and Attendance
	Policy 3510	School Sponsored Activities
Legal Reference:	§ 20-9-311(a), MCA	Calculation of average number belonging (ANB)
	Chapter 297	2021 General Legislative Session
	Chapter 269	2021 General Legislative Session

Policy History:

Adopted on: February 2007

Revised on: May 2014 (Allowing for attainment of a diploma), August 2021

**STUDENTS**

1 Student Rights and Responsibilities

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5  
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9  
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The District recognizes fully that all students are entitled to enjoy the rights protected under federal and state constitutions and law for persons of their age and maturity in a school setting. The District expects students to exercise these rights reasonably and to avoid violating the rights of others. The District may impose disciplinary measures whenever students violate the rights of others or violate District policies or rules.

11 Cross Reference: 3231 Searches and Seizure  
12 3310 Student Discipline

13  
14 Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of  
15 corporal punishment  
16 § 20-5-201, MCA Duties and sanctions  
17 *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)

18  
19 Policy History:

20 Adopted on: February 2007

21 Revised on:

STUDENTS

3210

1 Equal Education, Nondiscrimination and Sex Equity

2  
3 The District will make equal educational opportunities available for all students without regard  
4 to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical  
5 or mental handicap or disability, economic or social condition, OPTIONAL  
6 (recommended by committee) – gender identity, sexual orientation, or failure to conform to  
7 stereotypical notions of masculinity or femininity, or actual or potential marital or parental  
8 status.

9  
10 No student will be denied equal access to programs, activities, services, or benefits or be limited  
11 in the exercise of any right, privilege, or advantage, or denied equal access to educational and  
12 extracurricular programs and activities.

13  
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
15 directed to the district Title IX Coordinator, to the Assistant Secretary for Civil Rights of the  
16 Department of Education, or both. The Board designates the following individual to serve as the  
17 District’s Title IX Coordinator:

18  
19 Title: School Counselor \_\_\_\_\_  
20 Office address: 312 S. Main St. Boulder, MT 59632 \_\_\_\_\_  
21 Email: joe.michaud@jhs.k12.mt.us \_\_\_\_\_  
22 Phone number: (406) 225-3317 \_\_\_\_\_

23  
24 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
25 should be directed to the District Section 504 Coordinator. The Board designates the following  
26 individual to serve as the District’s Section 504 Coordinator:

27  
28 Title: School Counselor \_\_\_\_\_  
29 Office address: 312 S. Main St. Boulder, MT 59632 \_\_\_\_\_  
30 Email: joe.michaud@jhs.k12.mt.us \_\_\_\_\_  
31 Phone number: (406) 225-3317 \_\_\_\_\_

32  
33 Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights  
34 and Responsibilities, Policy 3225-Sexual Harassment/Intimidation of Students, or Policy 3226-  
35 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform  
36 Complaint Procedure.

37  
38 The District, in compliance with federal regulations, will notify annually all students, parents,  
39 staff, and community members of this policy and the designated coordinator to receive inquiries.  
40 This annual notification will include the name and location of the coordinator and will be  
41 included in all handbooks.

42  
43 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence  
44 against students, staff, or volunteers with disabilities. The District will consider such behavior as  
45 constituting discrimination on the basis of disability, in violation of state and federal law.  
46

STUDENTS

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

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

Policy History:

Adopted on: February 2007  
Revised on: February 2018, November 2020

**STUDENTS**

Student Publications

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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.

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: February 2007

Revised on:

**STUDENTS**

1 Distribution and Posting of Student Materials

2  
3 District policy allows distribution of materials for student curricular clubs and non-curricular  
4 groups.

5  
6 The Superintendent, building principal, or designee must approve all materials before they may  
7 be distributed or posted. Materials distributed or posted will include a notation to inform the  
8 recipient if the material is from a curricular student club or non-curricular student group.

9  
10 To facilitate the distribution of materials with information about student activities, each school  
11 may maintain a centrally located bulletin board for the posting of materials, and/or maintain a  
12 table available to students for placing approved materials. Materials may also be posted on  
13 designated walls in the school buildings.

14  
15 Materials from a curricular student club or non-curricular student group which provide  
16 information valued or needed by the students of the school district may be distributed, except  
17 those that would:

- 18  
19       A. Disrupt the educational process;  
20       B. Violate the rights of others;  
21       C. Invade the privacy of others;  
22       D. Infringe on a copyright;  
23       E. Violate District policy, procedure, or administrative directive;  
24       F. Be obscene, vulgar, or indecent,; or  
25       G. Promote violence, discriminatory conduct, the use of drugs, alcohol, tobacco,  
26        nicotine, and any other tobacco innovation, firearms, or certain products that create  
27        community concerns.

28  
29 All non-student community materials must be reviewed and approved by the Superintendent,  
30 building principal, or designee in accordance with Policy 4331.

31  
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35 Policy History:

36 Adopted on: February 2007

37 Revised on:



**STUDENTS**

Student Dress

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

The building administrator shall establish procedures for the monitoring of student dress and grooming in school or while engaging in extracurricular activities. Students attending public events sponsored by the school district are permitted to honor their American Indian heritage through the display of culturally significant tribal regalia at a public event sponsored by the school district. Any item that promotes drug use, weapon use, threats of violence, sexual harassment, bullying, or other intimidation, or violates another district policy, state, or federal law may not be worn at a public event sponsored by the school district. Specific regulations shall be published annually in student handbooks.

Cross Reference: Policy 2333 Participation in Commencement Exercises

Legal Reference: SB 319-Chapter 229 Tribal regalia and objects of cultural significance allowed at public events

Policy History:

Adopted on: February 2007  
Revised on: March 2018

*Revision Note: lines 11 thru 16 and references added.*

STUDENTS

1 Sexual Harassment of Students

2  
3 The District does not discriminate on the basis of sex in any education program or activity that it  
4 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
5 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
6 manner. Inquiries about the application of Title IX to the District may be referred to the  
7 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of  
8 Education, or both.

9  
10 The Board designates the following individual to serve as the District’s Title IX Coordinator:

11  
12 Title: School Counselor \_\_\_\_\_  
13 Office address: 312 S. Main St. Boulder, MT 59632 \_\_\_\_\_  
14 Email: [joe.michaud@jhs.k12.mt.us](mailto:joe.michaud@jhs.k12.mt.us) \_\_\_\_\_  
15 Phone number: (406) 225-3317 \_\_\_\_\_  
16

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

21  
22 For purposes of this policy and the grievance process, “sexual harassment” means conduct on the  
23 basis of sex that satisfies one or more of the following:

- 24  
25 1. A District employee conditioning the provision of an aid, benefit, or serve of the  
26 District on an individual’s participation in unwelcome sexual conduct;  
27  
28 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive,  
29 and objectively offensive that it effectively denies a person equal access to the  
30 District’s education program or activity; or  
31  
32 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined  
33 in 34 USC 12291(a)(10), “domestic violence” as defined in 24 USC12291(a)(8), or  
34 “stalking” as defined in 34 USC 12291(a)(30).  
35

36 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
37 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination  
38 process for the investigation.

39  
40 An individual is not required to submit a report of sexual harassment involving the Title IX  
41 Coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged  
42 harassment, the individual may report the allegations to the building principal, superintendent, or  
43 other unbiased school official.  
44

45 Retaliation Prohibited

## STUDENTS

3225

Page 2 of 3

1  
2 The District prohibits intimidation, threats, coercion, or discrimination against any individual for  
3 the purpose of interfering with any right or privilege secured by Title IX or this policy, or  
4 because the individual has made a report or complaint, testified, assisted, or participated or  
5 refused to participate in any manner in an investigation proceeding or hearing, if applicable.  
6 Intimidation, threats, coercion, or discrimination, including charges against an individual for  
7 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise  
8 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report  
9 or formal complaint of sexual harassment, for the purpose of interfering with any right or  
10 privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

11  
12  
13  
14 The district must keep confidential the identity of any individual who has made a report or  
15 complaint of sex discrimination, including any individual who has made a report or filed a  
16 formal complaint of sexual harassment, any individual who has been alleged to be the victim or  
17 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may  
18 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or  
19 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,  
20 hearing, or judicial proceeding arising thereunder.

Notice Requirements

21  
22  
23  
24 The District provides notice to applicants for admission and employment, students, parents, or  
25 legal guardians of elementary and secondary school students, employees and the union(s) with  
26 the name or legal title, office address, email address, and telephone number of the Title IX  
27 Coordinator and notice of the District grievance procedures and process, including how to report  
28 or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment  
29 and how the District will respond. The District also posts the Title IX Coordinator's contact  
30 information and Title IX policies and procedures in a prominent location on the District website  
31 and in all handbooks made available by the District.

Training Requirements

32  
33  
34  
35 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
36 who facilitates an informal resolution process, receives training on the definition of sexual  
37 harassment, the scope of the District's education program or activity, how to conduct an  
38 investigation and grievance process including hearings, appeals, and informal resolution  
39 processes, when applicable, and how to serve impartially including by avoiding prejudgment of  
40 the facts at issue, conflicts of interest, and bias. The District also ensures that decision-makers  
41 and investigators receive training on issues of relevance of questions and evidence, including  
42 when questions and evidence about the complainant's sexual predisposition or prior sexual  
43 behavior are not relevant as set forth in the formal procedures that follow, and training on any  
44 technology to be used at a live hearing, if applicable. Investigators also receive training on issues  
45 of relevance to create an investigative report that fairly summarizes relevant evidence. All

STUDENTS

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Page 3 of 3

1 materials used to train individuals who receive training under this section must not rely on sex  
2 stereotypes and must promote impartial investigations and adjudications of formal complaints of  
3 sexual harassment and are made publicly available on the District’s website.  
4

5 Conflict of Interest and Bias  
6

7 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
8 who facilitates an informal resolution process do not have a conflict of interest or bias for or  
9 against complainants or respondents generally or an individual complainant or respondent.  
10

11 Determination of Responsibility  
12

13 The individual who has been reported to be the perpetrator of conduct that could constitute  
14 sexual harassment is presumed not responsible for alleged conduct. A determination regarding  
15 responsibility will be made by the decision-maker at the conclusion of the investigation in  
16 accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed  
17 unless and until a final determination of responsibility is reached.  
18  
19  
20  
21  
22

23 Cross Reference: 3210 Equal Educational Opportunity, Nondiscrimination, and Sex  
24 Equity  
25 3225P Sexual Harassment Procedures  
26

27 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
28 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
29 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
30 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
31 Education Amendments of 1972, Title IX; 20 U.S.C. § 1681, et seq.  
32 34 CFR Part 106 Nondiscrimination on the Basis of Sex in  
33 Education Programs or Activities Receiving  
34 Federal Financial Assistance  
35 10.55.701(1)(f), ARM Board of Trustees  
36 10.55.719, ARM Student Protection Procedures  
37 10.55.801(1)(1), ARM School Climate  
38

39 Policy History:

40 Adopted on: February 2007  
41 Revised on: July 2018, March 2020, November 2020  
42

43 *Revision note: Expanded Sexual Harassment to include Intimidation and Misconduct*

**Sexual Harassment Reporting/Intake Form for Students**

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

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

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

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

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

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

1  
2 Turn this form in to the principal or superintendent's office. The form, addressed to the principal or  
3 superintendent, may be placed in a blank sealed envelope if you wish to remain anonymous.

4  
5 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this*  
6 *form will remain confidential in accordance with law and policy.*

7  
8  
9 Revised: May 15, 2012, November 2020

1 Sexual Harassment Grievance Procedure – Students

2  
3 The Board requires the following grievance process to be followed for the prompt and equitable  
4 resolution of student complaints alleging any action that would be prohibited as sexual  
5 harassment by Title IX. The Board directs the process to be published in accordance with all  
6 statutory and regulatory requirements.

7  
8 Definitions

9  
10 The following definitions apply for Title IX policies and procedures:

11  
12 “Actual knowledge”: notice of sexual harassment or allegations of sexual harassment to the  
13 District’s Title IX Coordinator or any official of the District who has authority to institute  
14 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
15 school.

16  
17 “Education program or activity”: includes locations, events, or circumstances over which the  
18 District exercised substantial control over both the individual who has been reported to be the  
19 perpetrator of conduct that could constitute sexual harassment, and the context in which the  
20 sexual harassment occurs.

21  
22 “Complainant”: an individual who is alleged to be the victim of conduct that could constitute  
23 sexual harassment.

24  
25 “Respondent”: an individual who has been reported to be the perpetrator of conduct that could  
26 constitute sexual harassment.

27  
28 “Formal complaint”: a document filed by a Complainant or signed by the title IX Coordinator  
29 alleging sexual harassment against a Respondent and requesting that the District investigate the  
30 allegation of sexual harassment.

31  
32 “Supportive measures”: non-disciplinary, non-punitive, individualized services offered as  
33 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent  
34 before or after the filing of a formal complaint or where no formal complaint has been filed.

35  
36 District Requirements

37  
38 When the District has actual knowledge of sexual harassment in an education program or activity  
39 of the District, the District will respond promptly in a manner that is not deliberately indifferent.  
40 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
41 harassment, the Title IX Coordinator will direct the individual to the applicable sex  
42 discrimination process, bullying and harassment policy, or public complaint procedure for  
43 investigation.

44

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

11  
12 The Title IX Coordinator is responsible for coordinating the effective implementation of  
13 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
14 contact the Complainant to discuss the availability of supportive measures, consider the  
15 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
16 availability of supportive measures with or without the filing of a formal complaints, and explain  
17 to the Complainant the process for filing a formal complaint. If the District does not provide the  
18 Complainant with supportive measures, then the District must document the reasons why such a  
19 response was not clearly unreasonable in light of the known circumstances.

20  
21 Timelines

22  
23 The District has established reasonably prompt time frames for the conclusion of the grievance  
24 process, including time frames for filing and resolving appeals and informal resolution processes.  
25 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
26 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
27 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
28 In the event the grievance process is temporarily delayed for good cause, the District will provide  
29 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
30 for the action.

31  
32 Response to a Formal Complaint

33  
34 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
35 participate in the education program or activity of the District with which the formal complaint is  
36 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
37 electronic mail, or other means designated by the District.

38  
39 The District must follow the formal complaint process before the imposition of any disciplinary  
40 sanctions or other actions that are not supportive measures. However, nothing in this policy  
41 precludes the District from removing a Respondent from the District's education program or  
42 activity on an emergency basis, provided that the District undertakes an individualized safety and  
43 risk analysis, determines that an immediate threat to the physical health or safety of any student  
44 or other individual arising from the allegations of sexual harassment justifies removal, and



1 provides the Respondent with notice and an opportunity to challenge the decision immediately  
2 following the removal. A period of removal may include the opportunity for the student to  
3 continue instruction in an offsite capacity. The District may also place a non-student employee  
4 Responded on administrative leave during the pendency of the grievance process. This provision  
5 may not be construed to modify any rights under the Individuals with Disabilities Education Act,  
6 Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

7  
8 Upon receipt of a formal complaint, the District must provide written notice to the known parties  
9 including:

- 10  
11 1. Notice of the allegations of sexual harassment, including information about the  
12 identities of the parties involved in the incident, the conduct allegedly constituting  
13 sexual harassment, the date and location of the alleged incident, and any sufficient  
14 details known at the time. Such notice must be provided with sufficient time to  
15 prepare a response before any initial interview;
- 16  
17 2. An explanation of the District’s investigation procedures, including any informal  
18 resolution process;
- 19  
20 3. A statement that the Respondent is presumed not responsible for the alleged conduct  
21 and that a determination regarding responsibility will be made by the decision-maker  
22 at the conclusion of the investigation;
- 23  
24 4. Notice to the parties that they may have an advisor of their choice who may be, but is  
25 not required to be, an attorney, and may inspect and review any evidence; and
- 26  
27 5. Notice to the parties of any provision in the District’s code of conduct or policy that  
28 prohibits knowingly making false statements or knowingly submitting false  
29 information.

30  
31 If, in the course of an investigation, the District decides to investigate allegations about the  
32 complainant or Respondent that are not included in the notice initially provided, notice of the  
33 additional allegations must be provided to known parties.

34  
35 The District may consolidate formal complaints as to allegations of sexual harassment against  
36 more than one Respondent, or by more than one Complainant against one or more Respondents,  
37 or by one party against the other party, where the allegations of sexual harassment arise out of  
38 the same facts or circumstances.

39  
40 Investigation of a Formal Complaint

41  
42 When investigating a formal complaint and throughout the grievance process, the District must:

43

- 1           1. Ensure that the burden of proof and the burden of gathering evidence sufficient to  
2           reach a determination regarding responsibility rests on the District and not the parties;  
3
- 4           2. Provide an equal opportunity for the parties to present witnesses and evidence;  
5
- 6           3. Not restrict either party’s ability to discuss the allegations under investigation or to  
7           gather and present relevant evidence;  
8
- 9           4. Allow the parties to be accompanied with an advisor of the party’s choice who may  
10          be, but is not required to be, an attorney. The District may establish restrictions  
11          regarding the extent to which the advisor may participate in the proceedings, as long  
12          as the restrictions apply equally to both parties;  
13
- 14          5. Provide written notice of the date, time, location, participants, and purpose of any  
15          interview or meeting at which a party is expected to participate, with sufficient time  
16          for the party to prepare to participate;  
17
- 18          6. Provide the parties equal access to review all the evidence collected which is directly  
19          related to the allegations raised in a formal complaint and comply with the review  
20          periods outlined in this process;  
21
- 22          7. Objectively evaluate all relevant evidence without relying on sex stereotypes;  
23
- 24          8. Ensure that Title IX Coordinators, investigators, decision-makers, and individuals  
25          who facilitate an informal resolution process do not have a conflict of interest or bias  
26          for or against Complainants or Respondents generally or an individual Complainant  
27          or Respondent;  
28
- 29          9. Not make credibility determinations based on the individual’s status as  
30          Complainant, Respondent, or witness;  
31
- 32          10. Not use questions or evidence that constitute or seek disclosure of privileged  
33          information unless waived.  
34

35 Dismissal of Formal Complaints

36  
37 If the conduct alleged in the formal complaint would not constitute sexual harassment, even if  
38 proved, did not occur in the District’s education program or activity, or did not occur against a  
39 person in the United States, then the District must dismiss the formal complaint with regard to  
40 that conduct for purposes of sexual harassment under this policy.

41  
42 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any  
43 time during the investigation or hearing, if applicable, when any of the following apply:  
44

- 1           1. A Complainant provides written notification to the Title IX Coordinator that the  
2           Complainant would like to withdraw the formal complaint or any allegations therein;  
3
- 4           2. The Respondent is no longer enrolled or employed by the District; or  
5
- 6           3. Specific circumstances prevent the District from gathering evident sufficient to reach  
7           a determination as to the formal complaint or allegations therein.  
8

9   Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the  
10 reasons for dismissal simultaneously to both parties. The grievance process will close in the  
11 event a notice of dismissal is provided to the parties. Support measure may continue following  
12 dismissal.  
13

#### 14 Evidence Review

15  
16 The District provides both parties an equal opportunity to inspect and review any evidence  
17 obtained as part of the investigation so that each party can meaningfully respond to the evidence  
18 prior to the conclusion of the investigation. The evidence provided by the District must include  
19 evidence that is directly related to the allegations in the formal complaint, evidence upon which  
20 the District does not intend to rely in reaching a determination regarding responsibility, and any  
21 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to  
22 completion of the investigative report, the Title IX Coordinator must send to each party and the  
23 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a  
24 hard copy. The parties have 10 calendar days to submit a written response to the Title IX  
25 Coordinator, which the investigator will consider prior to completion of the investigative report.  
26

#### 27 Investigative Report

28  
29 The investigator must prepare an investigative report that fairly summarizes relevant evidence  
30 and send the report to the title IX Coordinator. The Title IX Coordinator must send to each party  
31 and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for  
32 their review and written response. The parties have 10 calendar days to submit a written response  
33 to the Title IX Coordinator.  
34

#### 35 Decision-Maker's Determination

36  
37 The investigative report is submitted to the decision-maker. The decision-maker cannot be the  
38 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a  
39 hearing or make a determination regarding responsibility until 10 calendar days from the date the  
40 Complainant and Respondent receive the investigator's report.  
41

42 Prior to reaching a determination regarding responsibility, the decision-maker must afford each  
43 party the opportunity to submit written, relevant questions that a party wants asked of any party  
44 or witness, provide each party with the answers, and allow for additional, limited follow-up

1 questions from each party. Questions and evidence about the Complainant’s sexual  
2 predisposition or prior sexual behavior are not relevant, unless such questions and evidence  
3 about the Complainant’s prior sexual behavior are offered to prove that someone other than the  
4 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence  
5 concern specific incidents of the Complainant’s prior sexual behavior with respect to the  
6 respondent and are offered to prove consent. Questions must be submitted to the Title IX  
7 Coordinator within three calendar days from the date the Complainant and Respondent receive  
8 the investigator’s report.

9  
10 The decision-maker must issue a written determination regarding responsibility based on a  
11 preponderance of the evidence standard. The decision-maker’s written determination must:

- 12  
13 1. Identify the allegations potentially constituting sexual harassment;
- 14  
15 2. Describe the procedural steps taken, including any notifications to the parties,  
16 interviews with the parties and witnesses, site visits, methods used to gather evidence,  
17 and hearings held;
- 18  
19 3. Include the findings of fact supporting the determination;
- 20  
21 4. Draw conclusions regarding the application of any District policies and/or code of  
22 conduct rules to the facts;
- 23  
24 5. Address each allegation and a resolution of the complaint including a determination  
25 regarding responsibility, the rationale therefor, any recommended disciplinary  
26 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
27 preserve access to the educational program or activity will be provided by the District  
28 to the Complainant; and
- 29  
30 6. The procedures and permissible bases for the Complainant and/or Respondent to  
31 appeal the determination.

32  
33 A copy of the written determination must be provided to both parties simultaneously, and  
34 generally will be provided within 60 calendar days from the District’s receipt of a formal  
35 complaint.

36  
37 The determination regarding responsibility becomes final either on the date that the District  
38 provides the parties with the written determination of the result of the appeal, if an appeal is  
39 filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered  
40 timely.

41  
42 Where a determination of responsibility for sexual harassment has been made against the  
43 Respondent, the District will provide remedies to the Complainant that are designed to restore or  
44 preserve equal access to the District’s education program or activity. Such remedies may include

1 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need  
2 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective  
3 implementation of any remedies. Following any determination of responsibility, the District may  
4 implement disciplinary sanctions in accordance with State or Federal law and/or the negotiated  
5 agreement. For students, the sanctions may include disciplinary action, up to and including  
6 permanent exclusion.

7  
8 Appeals  
9

10 Either the Complainant or Respondent may appeal the decision-maker's determination regarding  
11 responsibility or a dismissal of a formal complaint on the following bases:

- 12  
13 1. Procedural irregularity that affected the outcome of the matter;
- 14  
15 2. New evidence that was not reasonably available at the time that could affect the  
16 outcome; and
- 17  
18 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or  
19 bias for or against Complainants or Respondents generally or an individual  
20 Complainant or Respondent that affected the outcome.

21  
22 The District also may offer an appeal equally to both parties on additional bases.  
23

24 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar  
25 days after the date of the written determination. The appeal decision-maker must not have a  
26 conflict of interest or bias for or against Complainants or Respondents generally or an individual  
27 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the  
28 decision-maker from the original determination.  
29

30 The appeal decision-maker must notify the other party in writing when an appeal is filed and  
31 give both parties a reasonable equal opportunity to submit a written statement in support of, or  
32 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a  
33 written decision describing the result of the appeal and the rationale for the result. The decision  
34 must be provided to both parties simultaneously, and generally will be provided within 10  
35 calendar days from the date the appeal is filed.  
36

37 Informal Resolution Process  
38

39 Except when concerning allegations that an employee sexually harassed a student, at any time  
40 during the formal complaint process and prior to reaching a determination regarding  
41 responsibility, the District may facilitate an informal resolution process, such as mediation, that  
42 does not involve a full investigation and determination of responsibility, provided that the  
43 District:  
44

- 1           1. Provides to the parties a written notice disclosing:
  - 2
  - 3           a. The allegations;
  - 4
  - 5           b. The requirements of the informal resolution process including the
    - 6           circumstances under which it precludes the parties from resuming a formal
    - 7           complaint arising from the same allegations provided, however, that at any
    - 8           time prior to agreeing to a resolution, any party has the right to withdraw from
    - 9           the informal resolution process and resume the Title IX formal complaint
    - 10           process with respect to the formal complaint; and
    - 11
    - 12           c. Any consequences resulting from participating in the informal resolution
      - 13           process, including the records that will be maintained or could be shared.
      - 14
  - 15           2. Obtains the parties’ voluntary, written consent to the informal resolution process.
  - 16

17 The informal resolution process generally will be completed within 30 calendar days, unless the  
 18 parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process.  
 19 The formal grievance process timelines are stayed during the parties’ participation in the  
 20 informal resolution process. If the parties do not reach resolution through the informal resolution  
 21 process, the parties will resume the formal complaint grievance process, including timelines for  
 22 resolution, at the point they left off.

23  
 24 Recordkeeping

25  
 26 The District must maintain for a period of seven years records of:

- 27
- 28           1. Each sexual harassment investigation, including any determination regarding
  - 29           responsibility, any disciplinary sanctions imposed on the Respondent, and any
  - 30           remedies provided to the Complainant designed to restore or preserve equal access to
  - 31           the District’s education program or activity;
  - 32
- 33           2. Any appeal and the result therefrom;
- 34
- 35           3. Any informal resolution and the result therefrom; and
- 36
- 37           4. All materials used to train Title IX Coordinators, investigators, decision-makers, and
  - 38           any person who facilitates an informal resolution process. The District must make
  - 39           these training materials publicly available on its website.
  - 40

41 The District must create, and maintain for a period of seven years, records of any actions,  
 42 including any supportive measures, taken in response to a report or formal complaint of sexual  
 43 harassment. In each instance, the District must document the basis for its conclusion that its

1 response was not deliberately indifferent, and document that it has taken measure designed to  
2 restore or preserve equal access to the District’s education program or activity.  
3  
4

5  
6 Cross Reference: Policy 3210 Equal Education, Nondiscrimination,  
7 and Sex Equity  
8 Policy 3225 Sexual Harassment  
9 Policy 3310 Student Discipline  
10

11 Legal Reference: Art. X, Sec. 1, Montana Constitution – Educational goals and  
12 duties  
13 Section 49-3-101, et seq., MCA, Montana Human Rights Act  
14 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
15 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
16 Education Amendment of 1972, Title IX; 20 USC 1681 et seq.  
17 Section 20-5-201, MCA Duties and Sanctions  
18 Section 20-5-202, MCA, Suspension and Expulsion  
19 34 CFR Part 106 Nondiscrimination on the basis of  
20 sex in education programs or  
21 activities receiving Federal financial  
22 assistance  
23 10.55.701(1)(f), ARM Board of Trustees  
24 10.55.719, ARM Student Protection Procedures  
25 10.55.801(1)(a), ARM School Climate  
26

27 Policy History:

28 Adopted on: November 2020

29 Revised on: May 2021

30

31 *Revision Note:*

STUDENTS

1 Bullying/Harassment/Intimidation/Hazing

2  
3 The Board will strive to provide a positive and productive learning and working environment.  
4 Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly  
5 prohibited and shall not be tolerated.  
6

7 Definitions

8  
9 1. "Third parties" include but are not limited to coaches, school volunteers, parents, school  
10 visitors, service contractors or others engaged in District business, such as employees of  
11 businesses or organizations participating in cooperative work programs with the District, and  
12 others not directly subject to District control at inter-district and intra-District athletic  
13 competitions or other school events.  
14

15 2. "District" includes District facilities, District premises, and non-District property if the  
16 student or employee is at any District-sponsored, District-approved, or District-related activity or  
17 function, such as field trips or athletic events, where students are under the control of the District  
18 or where the employee is engaged in District business.  
19

20 3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers  
21 the mental or physical health or safety of a student for the purpose of initiation or as a condition  
22 or precondition of attaining membership in or affiliation with any District-sponsored activity or  
23 grade-level attainment, including but not limited to forced consumption of any drink, alcoholic  
24 beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged  
25 exclusion from social contact, sleep deprivation, or any other forced activity that could adversely  
26 affect the mental or physical health or safety of a student; requires, encourages, authorizes, or  
27 permits another to be subject to wearing or carrying any obscene or physically burdensome  
28 article, assignment of pranks to be performed, or other such activities intended to degrade or  
29 humiliate.  
30

31 4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or  
32 demeaning gesture or physical contact, including any intentional written, verbal, or electronic  
33 communication ("cyberbullying") or threat directed against a student that is persistent, severe, or  
34 repeated, and that substantially interferes with a student's educational benefits, opportunities, or  
35 performance, that takes place on or immediately adjacent to school grounds, at any school-  
36 sponsored activity, on school-provided transportation, at any official school bus stop, or  
37 anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a  
38 student or staff member or an interference with school purposes or an educational function, and  
39 that has the effect of:

- 40 a. Physically harming a student or damaging a student's property;
- 41 b. Knowingly placing a student in reasonable fear of physical harm to the student or  
42 damage to the student's property.
- 43 c. Creating a hostile educational environment.
- 44 d. Substantially and materially disrupts the orderly operation of a school.



STUDENTS

1  
2 5. “Electronic communication device” means any mode of electronic communication,  
3 including, but not limited to, computers, cell phones, PDAs, or the internet.  
4

5 Reporting  
6

7 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
8 student, employee, or third party who has knowledge of conduct in violation of this policy or  
9 feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this  
10 policy is encouraged to immediately report his/her concerns to the building principal or the  
11 District Administrator, who have overall responsibility for such investigations. A student may  
12 also report concerns to a teacher or counselor, who will be responsible for notifying the  
13 appropriate District official. Complaints against the building principal shall be filed with the  
14 Superintendent. Complaints against the Superintendent or District Administrator shall be filed  
15 with the Board.  
16

17 The complainant shall be notified of the findings of the investigation and, as appropriate, that  
18 remedial action has been taken. As part of the investigation, the guidance counselor will meet  
19 with the victim to make sure he/she is comfortable with the resolution of the problem.  
20

21 Exhaustion of administrative remedies  
22

23 A person alleging violation of any form of harassment, intimidation, hazing, or threatening,  
24 insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or  
25 electronic communication, as stated above, may seek redress under any available law, either civil  
26 or criminal, after exhausting all administrative remedies.  
27  
28

29 Responsibilities  
30

31 The District Administrator shall be responsible for ensuring notice of this policy is provided to  
32 students, staff, and third parties and for the development of administrative regulations, including  
33 reporting and investigative procedures, as needed.  
34

35 When an employee has actual knowledge that behavior in violation of this policy is sexual  
36 harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment  
37 grievance process will be followed, if applicable, prior to imposing any discipline that cannot be  
38 imposed without resolution of the Title IX process.  
39

40 Consequences  
41

42 Students whose behavior is found to be in violation of this policy will be subject to discipline up  
43 to and including expulsion. Staff whose behavior is found to be in violation of this policy will be  
44 subject to discipline up to and including dismissal. Third parties whose behavior is found to be

STUDENTS

1 in violation of this policy shall be subject to appropriate sanctions as determined and imposed by  
2 the District Administrator or the Board. Individuals may also be referred to law enforcement  
3 officials.

4

5 Retaliation and Reprisal

6

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

12

13 Cross Reference:       3225               Sexual Harassment  
14                           3225F           Harassment Reporting Form for Students  
15                           3225P           Sexual Harassment Grievance Procedure

16

17 Legal Reference:     § 20-5-207, MCA           “Bully-Free Montana Act”  
18                           § 20-5-208, MCA           Definition  
19                           § 20-50-209, MCA         Bullying of student prohibited  
20                           § 20-5-210, MCA         Enforcement – exhaustion of  
21                                                                                   administrative remedies  
22                           10.55.701(2)(f), ARM     Board of Trustees  
23                           10.55.801(1)(d), ARM    School Climate  
24                           10.55.719, ARM           Student Protection Procedures

25

26 Policy History:

27 Adopted on: February 2007

28 Revised on: April 21, 2009; June 2012, January 2016, November 2020

29

30 *Note: The revisions included the addition of lines 5-6 and #5 of page 1.*

31 *June 2012 revision added page 2 line 8 thru 10 last sentence.*

32 *January 2016 revision clarifies “Bullying” and adds section on Exhaustion of administrative*  
33 *remedies.*

1 Searches and Seizure

2  
3 The goal of search and seizure with respect to students is meeting the educational needs of  
4 children and ensuring their security. The objective of any search and/or seizure is not the  
5 eradication of crime in the community. Searches may be carried out to recover stolen property,  
6 to detect illegal substances or weapons or to uncover any matter reasonably believed to be a  
7 threat to the maintenance of an orderly educational environment. The Board authorizes school  
8 authorities to conduct reasonable searches of school property and equipment, as well as of  
9 students and their personal effects, to maintain order and security in the schools

10  
11 The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified  
12 at its inception, and (2) reasonably related in scope to the circumstances which justified the  
13 interference in the first place.

14  
15 School authorities are authorized to utilize any reasonable means of conducting searches,  
16 including but not limited to the following:

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

23  
24 School Property and Equipment and Personal Effects of Students

25  
26 School authorities may inspect and search school property and equipment owned or controlled  
27 by the District (such as lockers, desks, and parking lots).

28  
29 The Superintendent may request the assistance of law enforcement officials, including their use  
30 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and  
31 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous  
32 substances or material. The “pat down” or “search” of a student, if conducted, will be conducted  
33 by a school official or employee of the same gender as the student being searched.

34  
35 Students

36  
37 School officials may search any individual student, his/her property, or district property under  
38 his/her control when there is a reasonable suspicion that the search will uncover evidence that  
39 he/she is violating the law, Board policy, administrative regulation, or other rules of the district  
40 or the school. Reasonable suspicion shall be based on specific and objective facts that the search  
41 will produce evidence related to the alleged violation. The types of student property that may be  
42 searched by school officials include, but are not limited to, lockers, desks, purses, backpacks,  
43 student vehicles parked on district property, cellular phones, or other electronic communication  
44 devices.

1  
2 Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles  
3 on school property. While on school property, vehicles may be inspected at any time by staff, or  
4 by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs,  
5 drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug  
6 paraphernalia, or weapons are present, including by alert trained dogs, the student's vehicle will  
7 be searched, and the student expressly consents to such a search.

8  
9 Also, by parking in the school parking lots, the student consents to having his/her vehicle  
10 searched if the school authorities have any other reasonable suspicion to believe that a violation  
11 of school rules or policy has occurred.

12  
13 Seizure of Property

14  
15 When a search produces evidence that a student has violated or is violating either a law or  
16 District policies or rules, such evidence may be seized and impounded by school authorities and  
17 disciplinary action may be taken. As appropriate, such evidence may be transferred to law  
18 enforcement authorities.

19  
20  
21 Legal Reference: Redding v. Safford Unified School District,  
22 ---F.3d---, 2007 WL 2743594(C.A. 9 (Ariz.))  
23 Terry v. Ohio, 392 U.S. 1, 20 (1968)  
24 B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

25  
26 Policy History:  
27 Adopted on: February 2007  
28 Revised on: April 21, 2009, January 2016

29  
30 *Note” The revision included the addition of lines 10-21 on page 1.*  
31 *January 2016 revision note: Clarified pat down and search process.*

**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.  
If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice on consent.
2. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
3. 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.
4. 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.

Procedure History:

Promulgated on: February 2007

Revised on: January 2016

January 2016 revision note: Moved search requirements to section 1.

**STUDENTS**

Student Use of Buildings: Equal Access

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

The following criteria must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school or government are present only in a non-participatory capacity.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

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

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

Legal Reference: 20 U.S.C. 4071 Equal Access Act  
*Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)

Policy History:

Adopted on: February 2007

Revised on: August 2021

**STUDENTS**

Video Surveillance

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28

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

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

The District may choose to make video recordings a part of a student’s educational record or of a staff member’s personnel record. The District will comply with all applicable state and federal laws related to record maintenance and retention. The administration will have access to the system for monitoring, maintenance, and necessary retention. Responsibilities governing access to the system will be outlined in the employee’s respective job description.

Video recordings will be totally without sound.

Cross-Reference: 3600 Student Records

Legal Reference: § 45-8-213, MCA Privacy in Communications

Policy History:

Adopted on: February 2007

Revised on:

## STUDENTS

3300

Page 1 of 3

Suspension and Expulsion – Corrective Actions and Punishment

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

Suspension

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

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

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

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

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

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

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

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

- “Expulsion” is any removal of a student for more than twenty (20) school days without



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1 the provision of educational services. Expulsion is a disciplinary action available only  
2 to the Board.

3  
4 The Board, and only the Board, may expel a student from school and may do so only after  
5 following due process procedures set forth below.

6  
7 The Board will provide written notice to a student and parent or legal guardian of a hearing to  
8 consider a recommendation for expulsion, which will be sent by registered or certified mail at  
9 least five (5) school days before the date of the scheduled hearing. The notice will include time  
10 and place of hearing, information describing the process to be used to conduct the hearing, and  
11 notice that the Board intends to conduct the hearing in closed session unless a parent or legal  
12 guardian waives the student’s right to privacy.

13  
14 Within the limitation that a hearing must be conducted during a period of student suspension, a  
15 hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a  
16 request showing good cause to the Superintendent at least two (2) school days before a hearing  
17 date as originally scheduled. The Superintendent will determine if a request shows good cause  
18 to reschedule a hearing.

19  
20 At hearing the student may be represented by counsel, present witnesses and other evidence,  
21 and cross-examine witnesses. The Board is not bound by formal rules of evidence in  
22 conducting the hearing.

23  
24 Each school shall maintain a record of any disciplinary action that is educationally related, with  
25 explanation, taken against the student. When the Board of Trustees takes disciplinary action  
26 against a student, the Board must keep a written record of the action taken, with detailed  
27 explanation, even if the disciplinary action is decided during a closed session. A disciplinary  
28 action that is educationally related is an action that results in the expulsion or out-of-school  
29 suspension of the student. This record must be maintained/destroyed consistent with Montana  
30 Local Government Records Schedule 7, and is subject to transfer to a local education agency,  
31 accredited school, or nonpublic school pursuant to 20-1-213, MCA.

32  
33 Procedures for Suspension and Expulsion of Students with Disabilities

34  
35 The District will comply with provisions of the Individuals with Disabilities Education Act  
36 (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any  
37 special education student when the student’s particular act of gross disobedience or misconduct  
38 is a manifestation of the student’s disability. The Board may expel pursuant to its expulsion  
39 procedures any special education student whose gross disobedience or misconduct is not a  
40 manifestation of the student’s disability. A disabled student will continue to receive education  
41 services as provided in the IDEA or Rehabilitation Act during a period of expulsion.

42  
43 A building administrator may suspend a child with a disability from the child’s current  
44 placement for not more than ten (10) consecutive school days for any violations of school rules,  
45 and additional removals of not more than ten (10) consecutive school days in that same school  
46 year for separate incidents of misconduct, as long as those removals do not constitute a change

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1 of placement under 34 CFR 300.519(b), whether or not a student’s gross disobedience or  
 2 misconduct is a manifestation of a student’s disabling condition. Any special education student  
 3 who has exceeded or who will exceed the (10) days of suspension may temporarily be excluded  
 4 from school by court order or by order of a hearing officer, if the District demonstrates that  
 5 maintaining the student in the student’s current placement is substantially likely to result in  
 6 injury to the student or to others. After a child with a disability has been removed from his or  
 7 her placement for more than ten (10) school days in the same school year, during any  
 8 subsequent days of removal the public agency must provide services to the extent required  
 9 under 34 CFR300.121(d).

10  
 11 An administrator may remove from current placement any special education student who has  
 12 carried a weapon to school or to a school function or who knowingly possesses or uses illegal  
 13 drugs or sells or solicits the sale of a controlled substance while at school or a school function.  
 14 The District will place such student in an appropriate interim alternative education setting for no  
 15 more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

16  
 17 The trustees shall annually, at the regularly scheduled June meeting, review this policy and  
 18 update this policy as determined necessary by the trustees based on changing circumstances  
 19 pertaining to school safety

20  
 21 **Legal Reference:**

- 22 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
- 23 34 CFR 300.519-521 Procedural Safeguards
- 24 § 20-1-213, MCA Transfer of School Records
- 25 § 20-4-302, MCA Discipline and punishment of pupils –
- 26 definition of corporal punishment – penalty –
- 27 defense
- 28 § 20-4-402, MCA Duties of district superintendent or county
- 29 high school principal
- 30 § 20-5-105, MCA Attendance officer – powers and duties
- 31 § 20-5-106, MCA Truancy
- 32 § 20-5-201, MCA Duties and sanctions
- 33 § 20-5-202, MCA Suspension and expulsion
- 34 ARM 10.16.3346 Aversive Treatment Procedures
- 35 ARM 10.55.910 Student Discipline Records
- 36 *Goss v. Lopez*, 419 US 565 (1975)
- 37 *Section 504 IDEA*

38  
 39 **Policy History:**

40 Adoption on: February 2007  
 41 Revised on: July 2013, January 2016

42  
 43 *Note: Revisions included lines 9-14, 19-24 and 29-31.*  
 44 *January 2016 revisions were a substantial rewrite of this policy in conformance with language*  
 45 *from statute. Of particular note is the insertion of a paragraph regarding maintenance of*  
 46 *records even if done in closed session.*

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1 Corrective Actions and Punishment

2  
3 The Board recognizes that every student is entitled to due process rights that are provided by  
4 law.

5  
6 Suspension

7  
8 The procedure set forth below will be followed when a proposed punishment of a student is to  
9 include denial of the right of school attendance from any single class or from a full schedule of  
10 classes for at least one (1) day.

11  
12 Before any suspension is ordered, a building administrator will meet with a student to explain  
13 charges of misconduct and a student will be given opportunity to respond to the charges.

14  
15 When a student's presence poses a continuing danger to persons or property or poses an ongoing  
16 threat of disruption to the educational process a pre-suspension conference will not be required  
17 and an administrator may suspend a student immediately. In such cases, a building administrator  
18 will provide notice of and schedule a conference as soon as practicable following the suspension.

19  
20 A building administrator will report any suspension immediately to a student's parent or legal  
21 guardian. An administrator will provide a written report of suspension that states reasons for a  
22 suspension, including any school rule that was violated, and a notice to a parent or guardian of  
23 the right to a review of a suspension. An administrator will send a copy of the report and notice  
24 to the Superintendent.

25  
26 The Superintendent will conduct a review of any suspension on request of a parent or legal  
27 guardian. A student and parent or legal guardian may meet with the Superintendent to discuss  
28 suspension. After the meeting and after concluding a review the Superintendent will take such  
29 final action as appropriate.

30  
31 Specific discipline measures, regarding make-up work, for students who are suspended from any  
32 class or from school entirely can be found in the student handbook.

33  
34 Expulsion

35  
36 The Board and only the Board may expel a student from school and may do so only after  
37 following due process procedures set forth below.

38  
39 The Board will provide written notice to a student and parent or legal guardian of a hearing to  
40 consider a recommendation for expulsion, which will be sent by registered or certified mail at  
41 least five (5) school days before the date of the scheduled hearing. A notice will include time  
42 and place of a hearing, information describing the process to be used to conduct a hearing and  
43 notice that the Board intends to conduct a hearing in closed session unless a parent or legal  
44 guardian waives a student's right to privacy.

45  
46 Within the limitation that a hearing must be conducted during a period of student suspension, a  
47 hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a  
48 request showing good cause to the Superintendent at least two (2) school days before a hearing

STUDENTS

1 date as originally scheduled. The Superintendent will determine if a request shows good cause to  
2 reschedule a hearing.

3  
4 The student has the right to be present for the duration of the hearing. At hearing the student may  
be represented by counsel and ask questions, present perspectives, and provide witnesses or  
documentation. The Board is not bound by formal rules of evidence in conducting the hearing.

7  
8 Procedures for Suspension and Expulsion of Students with Disabilities

9  
10 The District will comply with provisions of the Individuals with Disabilities Education Act  
11 (IDEA) when disciplining students. The Board will not expel any special education student  
12 when a student’s particular act of gross disobedience or misconduct is a manifestation of a  
13 student’s disability. The Board may expel pursuant to its expulsion procedures any special  
14 education student whose gross disobedience or misconduct is not a manifestation of a student’s  
15 disability. A disabled student will continue to receive education services as provided in the  
16 IDEA during a period of expulsion.

17  
18 The building administrator may suspend a child with a disability from the child’s current  
19 placement for not more than ten (10) consecutive school days for any violation of school rules,  
20 and additional removals of not more than ten (10) consecutive schools days in that same school  
21 year for separate incidents of misconduct, as long as those removals do not constitute a change of  
22 placement under 34 CFR 300.519(b), whether or not a student’s gross disobedience or  
23 misconduct is a manifestation of a student’s disabling condition. Any special education student  
24 who has exceeded or who will exceed ten (10) days of suspension may temporarily be excluded  
25 from school by court order or by order of a hearing officer, if the District demonstrates that  
26 maintaining a student in a student’s current placement is substantially likely to result in injury to  
27 a student or to others. After a child with a disability has been removed from his or her placement  
28 for more than ten (10) school days in the same school year, during any subsequent days of  
29 removal the public agency must provide services to the extent required under 34 CF 300.121(d).

30  
31 An administrator may remove from current placement any special education student who has  
32 carried a weapon to school or to a school function or who knowingly possesses or uses illegal  
33 drugs or sells or solicits the sale of a controlled substance while at school or a school function or  
inflicts serious bodily injury on another person while at school, on school premises, or at a school  
function under the jurisdiction. A serious bodily injury is one that involves a substantial risk of  
death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or  
impairment of the function of a bodily member, organ, or faculty.

34 The District will place such student in an appropriate interim alternative educational setting for  
35 no more than forty-five (45) school days in accordance with the IDEA.

36  
37 Procedure History:

38 Promulgated on: February 2007

39 Revised on: November 20, 2007, April 2019

1 Use of Restraint, Seclusion, and Aversive Techniques for Students

2  
3 Conduct of Employees Directed Toward Students

4  
5 The use by appropriately trained District personnel towards or directed at any student of any  
6 form of restraint or seclusion, as defined in this policy, is prohibited except in circumstances  
7 where proportional restraint or seclusion of a student is necessary when a student's conduct  
8 creates a reasonable belief in the perspective of a District employee that the conduct of the  
9 student has placed the student, the employee, or any other individual in imminent danger of  
10 serious bodily harm.

11  
12 The employee or any employee who is a witness to this event shall immediately seek out the  
13 assistance of the school's administration or, if such administrator is not available, a certified or  
14 classified employee with special training in seclusion and restraint, if available. Upon the arrival  
15 of such individual, the administrator or, if no administrator is available, the most senior trained  
16 individual on seclusion or restraint shall take control over the situation.

17  
18 Seclusion or restraint of a student shall immediately be terminated when it is decided that the  
19 student is no longer an immediate danger to him or herself or to any other third person or if it is  
20 determined that the student is exhibiting extreme distress or at such time that appropriate  
21 administrative personnel have taken custody of the child or upon such that that the parent/legal  
22 guardian of the child has retaken custody of the child.

23  
24 Regardless of employee training status, no District personnel shall use any form of aversive  
25 technique or corporal punishment against any student. All seclusion will be in compliance with a  
26 student's IEP or Section 504 Plan.

27  
28 If a situation occurs where a properly trained District employee must use acts of restraint or  
29 seclusion against a school student, the following shall occur:

- 30  
31 1. The employee shall immediately report to their building principal, in writing, the  
32 following information:
- 33 a. The date the event occurred;
  - 34 b. The circumstances leading to the event;
  - 35 c. The student involved; and
  - 36 d. Other witnesses or participants to the event.
- 37
- 38 2. The building principal shall notify the Superintendent's office of the event, providing the  
39 Superintendent's office with a copy of the report of events.
- 40
- 41 3. The building principal shall ascertain if any of the school's video equipment captured the  
42 event on a recording. If such event was captured on recording, the principal shall take all  
43 best efforts to maintain a copy of the recording and provide such to the Superintendent's

1 Office for the Superintendent's official records of the event.  
2

- 3 4. The Superintendent or designee shall ascertain the special needs status of the student  
4 involved in the seclusion or restraint and shall ascertain and maintain documentation as to  
5 whether or not such events were consistent with or contraindicated due to the student's  
6 psychiatric, medical, or physical condition(s).  
7
- 8 5. The Superintendent or designee of the Superintendent shall notify the parent or legal  
9 guardian of the subject student of the situation and the event of restraint or seclusion via  
10 telephone and provide the parent/legal guardian with the name and telephone contact  
11 information of the building principal where the parent may obtain additional information  
12 regarding the event.  
13
- 14 6. The Superintendent or designee of the Superintendent shall provide the parent/legal  
15 guardian of the student with written notice of the event of restraint or seclusion of their  
16 student.  
17
- 18 7. The Superintendent's office shall maintain documentation as to events of restraint and  
19 seclusion and shall prepare any and all necessary reports to legal entities upon whom  
20 such reports are or may become due pursuant to State and federal regulations.  
21

22 Training of School Personnel  
23

24 As part of the training and preparation of each certified administrator, certified teacher, and in-  
25 building classified employee of the District, the following shall occur:  
26

- 27 1. Training to personnel as to proper situations and events leading to student seclusion and  
28 intervention, including possible preventative alternatives to seclusion and restraint, safe  
29 physical escort, de-escalation of student crisis situations, and positive behavioral  
30 intervention techniques and supports;  
31
- 32 2. Training of personnel in crisis/conflict management and emergency situations which may  
33 occur in the school setting, including examples and demonstrations of proper activities  
34 and techniques and trainers observing employee use of proper activities and techniques in  
35 the training setting;  
36
- 37 3. Techniques to utilize to limit the possibility of injury to the student, the employee, and  
38 any other third party in the area;  
39
- 40 4. Information as to the school's student seclusion areas in each respective school building  
41 to which the employee is assigned;  
42
- 43 5. Training in CPR and basic first aid; and  
44

1           6. Provision of the employee with a copy of this policy.

2  
3       It is a goal that all new employees are trained in the area of student restraint and seclusion during  
4       their first week of employment. However, this may not be possible due to realities of the  
5       operation of a school district. If an employee has not yet undergone training and a situation  
6       necessitating student restraint or seclusion occurs, and another properly trained employee of the  
7       District is present at the event, the properly trained employee shall take the lead in addressing the  
8       student crisis.

9  
10       Designated Locations

11  
12       Each school building in which students are present must have a building designated location for  
13       student seclusion. It is the responsibility of the building's principal, or designee of the principal,  
14       to assure that the building's designated seclusion location is a safe and clean location and that  
15       such location has appropriate supervision when any student has been placed into seclusion  
16       pursuant to this policy. All seclusion will be in compliance with a student's IEP or Section 504  
17       Plan. Appropriate supervision shall include an adult in the seclusion location which as  
18       continuous visual observation of the secluded student.

19  
20       Definitions

21  
22       For the purposes of this policy, the following definitions shall apply:

23  
24       **Restraint:** The immobilization or reduction of a student's freedom of movement for the purpose  
25       of preventing harm to students or others through chemical, manual method, physical, or  
26       mechanical device, material, or equipment.

27  
28       **Seclusion:** Involuntary confinement in a room or other space during which a student is prevented  
29       from leaving or reasonably believes that he or she can leave or be prevented from leaving  
30       through manually, mechanically, or electronically locked doors that, when closed, cannot be  
31       opened from the inside; blocking or other physical interference by staff; or coercive measures,  
32       such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise  
33       have, used for the purpose of keeping the student from leaving the area of seclusion.

34  
35       **Aversive Technique:** Physical, emotional, or mental distress as a method of redirecting or  
36       controlling behavior including but not limited to corporal punishment.

37  
38  
39       Legal Reference:

40  
41       Policy History:

42       Adopted on: July 2022

43       Revised on:

44

**Jefferson High School District #1**

**STUDENTS**

3305

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1 *Revision Note:*



## STUDENTS

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Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in a school building, on property owned or leased by a school district, on a school bus, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco products including alternative nicotine and vapor products as defined in 16-11-302, MCA.
- 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 drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules, violating state or federal law, or not honoring regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing, bullying, or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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- 1 • Records or causes to be recorded a conversation by use of a hidden electronic or
- 2 mechanical device which may include any combination of audio or video that reproduces
- 3 a human conversation without the knowledge of all parties to the conversation.
- 4 • Engaging in academic misconduct which may include but is not limited to: cheating;
- 5 unauthorized sharing of exam responses or graded assignment work; plagiarism;
- 6 accessing websites or electronic resources without authorization to complete assigned
- 7 coursework; and any other act designed to give unfair academic advantage to the student
- 8
- 9

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

- 13
- 14 • On, or within sight of, school grounds before, during, or after school hours or at any other
- 15 time when school is being used by a school group.
- 16 • Off school grounds at a school-sponsored activity or event or any activity or event that
- 17 bears a reasonable relationship to school.
- 18 • Travel to and from school or a school activity, function, or event.
- 19 • Anywhere conduct may reasonably be considered to be a threat or an attempted
- 20 intimidation of a staff member or an interference with school purposes or an educational
- 21 function.
- 22
- 23

24 Disciplinary Measures

25  
26 Disciplinary measures include but are not limited to:

- 27
- 28 • Expulsion
- 29 • Suspension from class
- 30 • In-School Suspension
- 31 • Clean-up duty
- 32 • Loss of student privileges
- 33 • Loss of bus privileges
- 34 • Notification to juvenile authorities and/or police
- 35 • Restitution for damages to school property
- 36
- 37

38 No District employee or person engaged by the District may inflict or cause to be inflicted  
39 corporal punishment on a student. Corporal punishment does not include reasonable force  
40 District personnel are permitted to use as needed to maintain safety for other students, school  
41 personnel, or other persons or for the purpose of self-defense.

42  
43 Non-Disciplinary Measures



**STUDENTS**

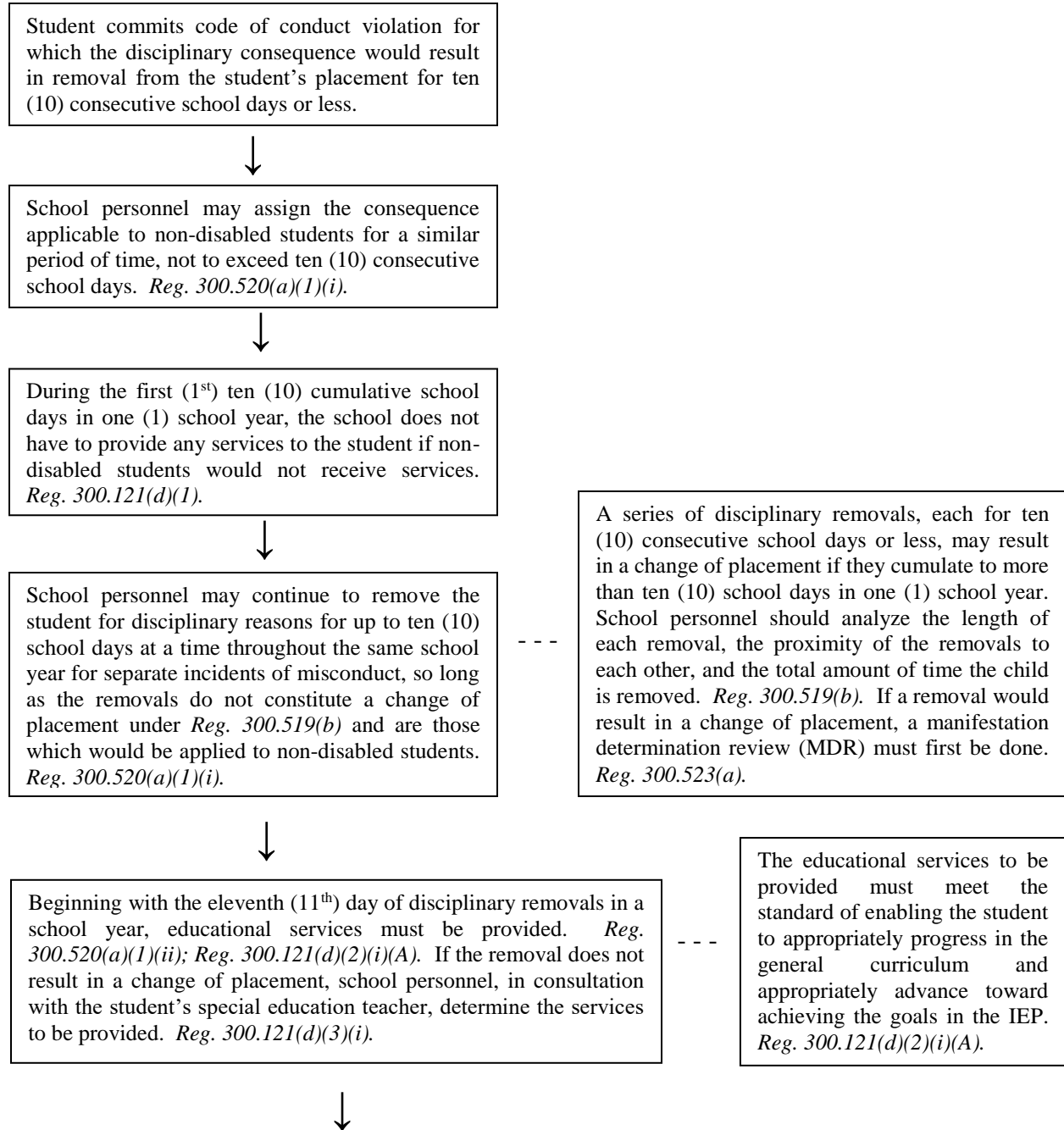
3310

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- 1 Adopted on: February 2007
- 2 Revised on: January 2009, February 2011, January 2016, November 2020, May 2021,
- 3 July 2021, May 2022
- 4 *Revision Note: January 2016 Clarifies e-Cigarette as alternative nicotine product and references*
- 5 *MCA, Legal References updated.*

Discipline of Students With Disabilities

**Code of Conduct Violations by Students With Disabilities, Resulting in Disciplinary Consequences of Ten (10) School Days or Less**



Beginning with the eleventh (11<sup>th</sup>) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. *Reg. 300.520(b)(1)(i).*



After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. *Reg. 300.520(b)(2).*

---  
If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*



If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2).*



If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*

**Code of Conduct Violations by Students With Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More Than Ten (10) School Days (Excluding Drug and Weapon Offenses)**

Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a).*



The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*



School personnel may remove from current educational placement for ten (10) school days or less (*Reg. 300.520(a)(1)(i)*) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9). Reg. 300.529.*



At the time the decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).*



Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review – MDR). *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b).* If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. *Reg. 300.520(b)(1)(i).* As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*



For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

*Sec. 1415(k)(4)(C); Reg. 300.523(c).*



If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*



If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A); Reg. 300.121(a); Reg. 300.524(a)*. The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b)*.

- - -

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a), (b)*.

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in *Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2)*.

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a)*. Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c)*. The hearing officer applies the standards in *Reg. 300.121. Reg. 300.526(c)*. Hearing officer can order another placement for up to forty-five (45) days. *Reg. 300.526(c)(3)*. This procedure may be repeated as necessary. *Sec. 1415(k)(7); Reg. 300.526(c)(4)*.

- - -

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a)*. The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii)*.

### Drug and Weapon Offenses by Students With Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.



Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. *Sec. 1415(k)(10)(B); Reg. 300.520(d)(2)*.

Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. *Sec. 1415(k)(10)(A); Reg. 300.520(d)(1)*.

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3)*.



School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i).* (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9); Reg. 300.529.*



At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).*



Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. *Sec. 1415(k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a).* IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. *Reg. 300.520(b)(1)(ii).* If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. *Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i).* As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2)(b).*



The forty-five-(45)-day alternative interim placement must:

- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student’s IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. *Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121(d)(2)(ii).*

Comments to regulations: Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.

- - -

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

*Sec. 1415(k)(4)(C); Reg. 300.523(c).*



If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*

**- or -**

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a).* The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b).*

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(i)(6); Reg. 300.525(a), (b).*

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. *Sec. 1415(k)(6)(A); Reg. 300.525(a)(2).*

During appeals, stay put applies. *Reg. 300.524(c).* If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in *Sec. 1415(k)(2)* and *Reg. 300.521.*

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a).* The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

**Students Dangerous to Self or Others**

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student’s placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. *Reg. 300.524.*



School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*



Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
  - Enables the student to participate in the general curriculum, although in another setting;
  - Enables the student to continue to receive those services and modifications, including those described in the student’s current IEP, that will enable the student to meet the goals set out in the IEP; and
  - Include services and modification designed to address the behavior so that it does not recur.

*Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).*

---  
If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525 (b)(2).*



If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*



Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. *Reg. 300.526(b), (c)(4)*. Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. *Sec. 1415(k)(7); Reg. 300.526*. Any subsequent forty-five-(45)-day interim setting must meet the standards in *Reg. 300.522*.

Procedure History:

Promulgated on: February 2007

Revised on:

1 Student Risk Assessments

2

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

5

6 Each team shall:

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

16

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

21

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

27

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

32

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

38

39

40 Legal Reference:

41

42 Policy History:

43 Adopted on: May 2022

44 Revised on:

**Jefferson High School District #1**

**STUDENTS**

3310P2

Page 2 of 2

1

2 *Revision Note:*

STUDENTS

1 Firearms and Other Weapons

2

3 Firearms

4

5 It is the policy of Jefferson High School District to comply with the federal Gun Free Schools  
6 Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or  
7 possess a firearm at, any setting that is under the control and supervision of the school district.

8

9 The District does not allow students to possess firearms on District property or at any setting that  
10 is under the control and supervision of the District. In accordance with 20-5-202 (3), MCA, a  
11 teacher, superintendent, or principal shall suspend immediately for good cause a student who is  
12 determined to have brought a firearm to, or possess a firearm at, any setting that is under the  
13 control and supervision of the school district. The Policy does not govern conduct in a student’s  
14 home, a locked vehicle, a parking lot, or a commercial business when the student is participating  
15 in an online, remote, or distance-learning setting. In accordance with Montana law, a student  
16 who is determined to have brought a firearm to, or possess a firearm at, any setting that is under  
17 the control and supervision of the school district must be expelled from school for a period of not  
18 less than 1 year.

19

20 For the purposes of the firearms section of this policy, the term “firearm” means (A) any weapon  
21 (including a starter gun) which will, is designed to, or may be readily converted to expel a  
22 projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any  
23 firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4).  
24 Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

25

26 Option 1: However, on a case-by-case basis, the Board of Trustees will convene a hearing to  
27 review the underlying circumstances and, in the discretion of the Board, may authorize the  
28 school administration to modify the requirement for expulsion of a student.

29

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

32

33 Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a  
34 clear and timely manner, notify the student if the student is an adult or notify the parent or  
35 guardian of a student if the student is a minor that the student may waive the student’s privacy  
36 interest by requesting that the hearing be held in public and invite other individuals to attend the  
37 hearing.

38

39 Before expelling a student under this Policy, the Board shall hold a due process hearing that  
40 includes presentation of a summary of the information leading to the allegations and an  
41 opportunity for the student to respond to the allegations. The student may not be expelled unless  
42 the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a  
43 firearm to school or possessed a firearm at school.

44

STUDENTS

1 When a student subject to a hearing is found to have not violated this Policy, the student’s school  
2 record must be expunged of the incident.

3  
4 The provisions of this Policy do not require the Board to expel a student who has brought a  
5 firearm to school or possesses a firearm at school if the firearm is secured in a locked container  
6 approved by the school district or in a locked motor vehicle the entire time the firearm is at  
7 school, except while the firearm is in use for a school-sanctioned instructional activity.

8  
9 Possession of Weapons other than Firearms

10  
11 The District does not allow students to possess other weapons on District property or at any  
12 setting that is under the control and supervision of the District. Any student found to have  
13 possessed, used, or transferred a weapon on school property will be subject to discipline in  
14 accordance with the District’s discipline policy. For purpose of this section, “weapon” means  
15 any object, device or instrument designed as a weapon or through its use is capable of  
16 threatening or producing bodily harm or which may be used to inflict self-injury, including but  
17 not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs;  
18 metal knuckles; nunchucks (also known as nunchucks); throwing stars; explosives; fireworks;  
19 mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have  
20 been modified to serve as a weapon.

21  
22 No student shall possess, use, or distribute any object, device, or instrument having the  
23 appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons,  
24 including but not limited to weapons listed above which are broken or non-functional, look-alike  
25 guns, toy guns; and any object that is a facsimile of a real weapon. No person shall use articles  
26 designed for other purposes (i.e., lasers or laser pointers, belts, combs pencils, files, scissors,  
27 etc.) to inflict bodily harm and or intimidate, and such use will be treated as the possession and  
28 use of a weapon.

29  
30 Definitions, Exceptions, and Referral to Law Enforcement

31  
32 The District may refer to law enforcement for immediate prosecution any student who possesses,  
33 carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. In  
34 addition, the District will refer for possible prosecution a parent or guardian of any minor  
35 violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a  
36 school building. For the purposes of this section only, “school property” means within school  
37 buildings, in vehicles used for school purposes, or on owned or leased school land or grounds.  
38 “Building” specifically means a combination of any materials, whether mobile, portable, or  
39 fixed, to form a structure and the related facilities for the use or occupancy by persons or  
40 property owned or leased by a school district that are used for instruction or for student activities  
41 as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed  
42 as though followed by the words “or part or parts of a building” and is considered to include all  
43 stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently  
44 fixed.



STUDENTS

1  
 2 The Board of Trustees may grant person and entities advance permission to possess, carry, or  
 3 store a weapon in a school building. All persons who wish to possess, carry, or store a weapon  
 4 in a school building must request permission of the Board at a regular meeting. The Board has  
 5 sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a  
 6 school building. (45-8-361 (3b))

7  
 8 This section does not apply to a law enforcement officer acting in the officer’s official capacity  
 9 or an individual previously authorized by the Board of Trustees to possess a firearm or weapon  
 10 in a school building.

11  
 12 The Board of Trustees shall annually review this policy and update this policy as determined  
 13 necessary by the trustees based on changing circumstances pertaining to school safety.

14  
 15 Cross Reference: Policy 3310 Student Discipline  
 16 Policy 4332 Conduct on School Property

17  
 18 Legal Reference: § 20-5-202, MCA Suspension and Expulsion  
 19 § 45-8-361, MCA Possession or allowing possession of a  
 20 weapon in a school building  
 21 20 U.S.C. §7151, et seq. Gun Free Schools Act of 1994  
 22 18 U.S.C. § 921 Definitions  
 23 NCLB, Section 4141 Gun Free Requirements

24  
 25 Policy History:

26 Adopted on: July 2013  
 27 Revised on: July 2021, August 2021

28  
 29 *Revision Note:*

1 Activity Participation Code of Conduct

2  
3 Policy Duration and Coverage

4 This policy applies to middle and high school students who are involved in the extra- and co-  
5 curricular activities program. This policy is in effect each school year from the date of the first  
6 practice for fall activities until the last day of school or activities, whichever is later. Violations  
7 are cumulative, through the student's period of attendance in grades 6-8 and in grades 9-12. The  
8 Administration shall publish the participation rules annually in the activities and student  
9 handbooks.

10  
11 General Conduct

12 The School District requires adherence to a strict code of conduct athletes and other participants  
13 in any athletic activity and/or extra-curricular activity. The code of conduct noted at District  
14 Policy 3310 and the student handbook applies to all students participating in any athletic or  
15 extra-curricular activity sponsored or sanctioned by the Montana High School Association  
16 (MHSA) or the School District. A student participating in any athletic activity and/or extra-  
17 curricular activity and his or her parent/guardian shall sign a form acknowledging receipt of an  
18 adherence to the code of conduct.

19  
20 Coaches and advisors will promptly report violations of the code of conduct to the principal.  
21 Violations of the code of conduct will result in discipline up to an including suspension from the  
22 activity, suspension from school and activities, and expulsion from school. Persistent violations  
23 of the code of conduct may also result in the removal of the student from activities. Failure to  
24 promptly report a possible violation may result in discipline of the coach or advisor. Suspicion of  
25 child abuse or neglect will be reported to the appropriate authorities.

26  
27 Extra - and Co - Curricular Chemical Use Policy

28 Students participating in extra- and co-curricular activities, whether sponsored by the MHSA or  
29 not, shall not use, have in possession, sell, purchase, or distribute alcohol, tobacco products,  
30 alternative nicotine and vapor products, or illegal drugs or abuse prescription or non-prescription  
31 drugs during their extracurricular seasons. These rules are in effect twenty-four (24) hours a day.  
32 If a student receives a MIP or is seen using tobacco, alcohol, marijuana, or illicit drugs, the  
33 student will forfeit the ability of participating in accordance with the activities and student  
34 handbooks.

35  
36 Student and Parent/Legal Guardian Due Process

37 If a determination is made that a student has violated this policy, the student and parent/guardian  
38 shall be notified of the violation by telephone and mail. Also at this time, the student and parent  
39 or guardian shall be notified of the type of discipline that will be administered or recommended  
40 to the Board.

41  
42 Prior to the imposition of any suspension form activity participation the student and parent or  
43 legal guardian shall have the right to participate in any investigation into alleged misconduct.

1 This participation includes the opportunity for the student to explain the version of the events  
2 and provide any explanation or supporting evidence.

3  
4 If the discipline involves the recommended expulsion of a high school student from participation  
5 in extra- and/or co-curricular activities for a period in excess of twenty (20) days, the parent and  
6 student will be notified of the date and time the Board will consider the recommendation. Only  
7 the Board can expel a high school student from participation in extra- and/or co-curricular  
8 activities except in the circumstance that an organization governing the rules and regulations of a  
9 particular extra- and/or co-curricular activity recommends the expulsion of a student from  
10 participation (i.e. – National Honor Society, Business Professionals of America, etc.).

11  
12 Cross Reference: 3300 Corrective Actions and Punishment  
13 3310 Student Discipline

14  
15 Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils –  
16 definition of corporal punishment – penalty  
17 – defense  
18 § 20-5-202, MCA Suspension and expulsion

19  
20  
21

22 Policy History:  
23 Adopted on: July 2022  
24 Revised on:  
25  
26 *Revision Note:*

**STUDENTS**

Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use

Students participating in extra- and co-curricular activities, whether or not sponsored by the MHSA, will not use, have in possession, sell, or distribute alcohol, tobacco, or illegal drugs or abuse prescription or nonprescription drugs, or be in attendance where alcohol, tobacco, or drugs are being used during their extra- and co-curricular activities. These rules are in effect twenty-four (24) hours a day. If a student is seen using, or in attendance where, tobacco, alcohol, or illicit drugs are being used, the student will be disciplined in accordance with the activities and student handbooks.

Policy Coverage

This policy applies to high school students involved in the extra- and co-curricular activities program.

Policy Duration

This policy is in effect each school year, from the first date of the first (1<sup>st</sup>) practice for fall activities until the last day of school or activities, whichever is later. The participation rules and disciplinary measures will be published annually in the activities and student handbooks.

Student and Parent/Legal Guardian Due Process

Once a determination that a violation of this policy has occurred, the student and parent/legal guardian will be notified by telephone where possible and also by mail. Notification will include the violation and the time set for a conference with the principal. Any decision to suspend the student from an extra- or co-curricular event may be appealed to the Superintendent. The student and/or parent/legal guardian may appeal the decision of the Superintendent to the Board.

Only the trustees of a high school district may **exclude** a high school student from participating in school activities.

Legal Reference: §20-5-201, MCA Duties and sanctions

Policy History

Adopted on: February 2007

Revised on:

**STUDENTS**

Gambling

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16  
17

Students are not permitted to gamble for money while in school, on school property, in school vehicles, while on school-sponsored trips, or when representing the school during activity or athletic functions. Students who are found to be betting, playing cards, rolling dice for money, playing keno or poker machines, gambling on the Internet, or involved in any other form of gambling shall be reported to the principal. Appropriate discipline will be administered in accordance with the District’s student discipline policies.

Legal Reference:     § 23-5-112, MCA     Definitions  
                          § 23-5-158, MCA     Minors not to participate – penalty – exception

Policy History:  
Adopted on: February 2007  
Revised on:

1 Student Health/Physical Screenings/Examinations

2  
3 The Board may arrange each year for health services to be provided to all students. Such  
4 services may include but not be limited to:

- 5  
6 1. Development of procedures at each building for isolation and temporary care of students  
7 who become ill during the school day;  
8  
9 2. Consulting services of a qualified specialist for staff, students, and parents;  
10  
11 3. Vision and hearing screening;  
12  
13 4. Scoliosis screening;  
14  
15 5. Immunization as provided by the Department of Public Health and Human Services or  
16 the local county health department.  
17

18 Parents/guardians will receive written notice of any screening result which indicates a condition  
19 that might interfere or tend to interfere with a student's progress.  
20

21 In general, the District will not conduct physical examinations of a student without parental  
22 consent to do so or by court order, unless the health or safety of the student or others is in  
23 question. Further, parents will be notified of the specific or approximate dates during the school  
24 year when screening administered by the District is conducted, which is:

- 25  
26 1. Required as a condition of attendance.  
27  
28 2. Administered by the school and scheduled by the school in advance.  
29  
30 3. Not necessary to protect the immediate health and safety of the student or other students.  
31

32 Parents or eligible students will be given the opportunity to opt out of the above-described  
33 screenings.  
34  
35

36 Students who wish to participate in certain extracurricular activities may be required to submit to  
37 a physical examination to verify their ability to participate in the activity. Students participating  
38 in activities governed by the Montana High School Association will be required to follow the  
39 rules of that organization, as well as other applicable District policies, rules, and regulations.  
40

41 All parents will be notified of requirements of the District's policy on physical examinations and  
42 screening of students, at least annually at the beginning of the school year and within a  
43 reasonable period of time after any substantive change in the policy.  
44  
45

# Jefferson High School District #1

## STUDENTS

3410  
Page 2 of 2

1  
2 Legal Reference: § 20-3-324(20), MCA Powers and duties  
3 20 U.S.C. 1232h(b) General Education Provisions Act  
4

### Policy History:

6 Adopted on: February 2007

7 Revised on: January 2016

8  
9 January 2016 revision note: removed references to non-emergency invasive physical  
10 examination

**STUDENTS**

Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the Department of Public Health and Human Services or the local county health department. Haemophilus influenza type “b” immunization is required for students under age five (5).

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

A student who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring student ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the student to the school district to which the student transfers.

Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a licensed or certified health care provider in a manner provided by Section 20-5-405, MCA. Exemptions for religious reasons must be filed in a manner provided by Section 20-5-404, MCA.. The statement for an exemption shall be maintained as part of the student’s immunization record in accordance with FERPA as specified in Policy 3600P.

All students who are enrolled under an exemption and have a disease listed in this Policy, have been exposed to a disease listed in this Policy, or may be exposed to a disease listed in this Policy while attending school may be excluded from the school by the local health officer or the DPHHS until the excluding authority is satisfied that the student no longer risks contracting or transmitting that disease.

The 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 varicella, polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except that Haemophilus influenza type “b” vaccine is required for children under 5 years of age.

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

This policy does not apply to or govern vaccinations against COVID-19. The Board does not require immunization against COVID-19 in order to enroll in the District in accordance with Montana law. District officials shall not inquire about the COVID-19 vaccination status of students, employees, or visitors. District officials shall not make decisions regarding access to District services for students, employees, or visitors based upon an individual’s COVID-19 vaccination status. Students enrolled in dual credit courses in accordance with District policies may be subject to distinct immunization requirements of the applicable post-secondary institution.



**Jefferson High School District #1**

**STUDENTS**

3413

1	Legal Reference:	§ 20-3-324(20), MCA	Powers and duties
2		§ 20-5-402 - 410, MCA	Health
3		§ 20-5-403, MCA	Immunization required – release and
4			acceptance of immunization records
5		§ 20-5-405, MCA	Medical or religious exemption
6		Chapter 418	2021 General Legislative Session

7

Policy History:

9 Adopted on: February 2007

10 Revised on: January 2016, July 2021, August 2021

11

12 January 2016 *Revision: Revision updates with 2015 Montana Legislative Session*

# Medical Exemption Statement

Form HES 101A  
Montana Schools



For questions, contact the Montana Department of Immunizations at (406) 444-5580

A prospective student seeking to enroll in a Montana school is not required to receive any immunizations for which they are medically contraindicated. The Medical Exemption Statement, may be completed by a qualifying healthcare provider and utilized as an exemption. In lieu of this form, a written and signed statement from a qualifying healthcare provider will also be accepted under the conditions outlined in ARM 37.114.715.

Pursuant to HB 334 (Ch. 294, L. 2021), a qualifying healthcare provider means a person who: (1) is licensed, certified, or authorized in any U.S. State or Canada to provide health care; (2) is authorized within the person's scope of practice to administer the immunization(s) to which the exemption applies; and (3) has previously provided health care to the student *or* has administered a vaccine to which the student has had an adverse reaction. Once completed, this form should be filed at the student's school along with their most current immunization record.

**Student Name:** \_\_\_\_\_ **Parent/Guardian Name:** \_\_\_\_\_

**Student Address:** \_\_\_\_\_ **Student Date of Birth:** \_\_\_\_\_

Select the vaccine(s) needing medical exemption, then provide a brief description of the contraindication or precaution for each vaccine:

- |                                                                      |                                                            |
|----------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> DTaP (Diphtheria, Tetanus, and Pertussis)   | <input type="checkbox"/> MMR (Measles, Mumps, and Rubella) |
| <input type="checkbox"/> Tdap (Diphtheria, Tetanus, and Pertussis)   | <input type="checkbox"/> IPV (Polio)                       |
| <input type="checkbox"/> Varicella (Chickenpox)                      | <input type="checkbox"/> Other: _____                      |
| <input type="checkbox"/> Hib ( <i>Haemophilus influenzae</i> type b) |                                                            |

**Contraindication/Precaution:**

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---

A complete list of medical contraindications and precautions can be found on the Centers for Disease Control and Prevention's website:  
<https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html>.

**Duration of exemption:** \_\_\_\_\_

**Provider's Name (print):** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Provider's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Affidavit of Exemption on Religious Grounds**Form HES 113  
Montana Schools

For questions, contact the Montana Department of Immunizations at (406) 444-5580

**Student's Full Name****Birth Date****Age****Sex**

School: \_\_\_\_\_

If student is under 18, name of parent, guardian, or other person responsible for student's care and custody:

\_\_\_\_\_

Street address and city: \_\_\_\_\_

Telephone: \_\_\_\_\_

I, the undersigned, declare under penalty of perjury that immunization against the following is contrary to my religious tenets and practices (check all that apply):

- |                                                                                 |                                                        |
|---------------------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> <i>Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)</i> | <input type="checkbox"/> <i>Polio</i>                  |
| <input type="checkbox"/> <i>Measles, Mumps and Rubella (MMR)</i>                | <input type="checkbox"/> <i>Varicella (chickenpox)</i> |
| <input type="checkbox"/> <i>Haemophilus Influenzae type b (Hib)</i>             | <input type="checkbox"/> <i>Other: _____</i>           |

I also understand that:

Pursuant to section 20-5-405, MCA, in the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease.

\_\_\_\_\_  
Signature of parent, guardian, or other person responsible for the above student's care and custody; or of the student, if 18 or older. Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Signature:** Notary Public for the State of Montana\_\_\_\_\_  
**Print Name:** Notary Public for the State of Montana

Seal

Residing in \_\_\_\_\_  
My commission expires \_\_\_\_\_

1 Management of Sports Related Concussions

2  
3 The Jefferson High School District recognizes that concussions and head injuries are commonly  
4 reported injuries in children and adolescents who participate in sports and other recreational  
5 activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a  
6 concussion or head injury is not properly evaluated and managed. Therefore, all K-12  
7 competitive sport athletic activities in the District will be identified by the administration.

8  
9 Consistent with guidelines provided by the U.S. Department of Health and Human Services,  
10 Centers for Disease Control and Prevention, the National Federation of High School (NFHS) and  
11 the Montana High School Association (MHSA), the District will utilize procedures developed by  
12 the MHSA and other pertinent information to inform and educate coaches, athletic trainers,  
13 officials, youth athletes, and their parents and/or guardians of the nature and risk of concussions  
14 or head injuries, including the dangers associated with continuing to play after a concussion or  
15 head injury. Resources are available on the Montana High School Association Sports Medicine  
16 page at [www.mhsa.org](http://www.mhsa.org); U.S. Department of Health and Human Services page at: [www.hhs.gov](http://www.hhs.gov);  
17 and; the Centers for Disease and Prevention page at [www.cdc.gov/concussion/sports.index.html](http://www.cdc.gov/concussion/sports.index.html).

18  
19 Annually, the district will distribute a head injury and concussion information and sign-off sheet  
20 to all parents and guardians of student-athletes in competitive sport activities prior to the student-  
21 athlete's initial practice or competition.

22  
23 All coaches, athletic trainers, officials, including volunteers participating in organized youth  
24 athletic activities, shall complete the training program at least once each school year as required  
25 in the District procedure. Additionally, all coaches, athletic trainers, officials, including  
26 volunteers participating in organized youth athletic activities will comply with all procedures for  
27 the management of head injuries and concussions.

28  
29 Reference: Montana High School Association, Rules and Regulations Section 4,  
30 Return to Play

31  
32 Legal Reference: Dylan Steigers Protection of Youth Athletes Act

33  
34 Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement

35  
36  
37 Policy History:  
38 Adopted on: July 2013  
39 Reviewed on:  
40 Revised on:

## Student-Athlete & Parent/Legal Guardian Concussion Statement

Because of the passage of the Dylan Steigers' Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete's parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: \_\_\_\_\_  
*This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.*

Parent/Legal Guardian Name(s): \_\_\_\_\_  
 We have read the *Student-Athlete & Parent/Legal Guardian Concussion Information Sheet*.  
*If true, please check box*

After reading the information sheet, I am aware of the following information:

Student-Athlete Initials		Parent/Legal Guardian Initials
	A concussion is a brain injury, which should be reported to my parents, my coach(es), or a medical professional if one is available.	
	A concussion can affect the ability to perform everyday activities such as the ability to think, balance, and classroom performance.	
	A concussion cannot be "seen." Some symptoms might be present right away. Other symptoms can show up hours or days after an injury.	
	I will tell my parents, my coach, and/or a medical professional about my injuries and illnesses.	N/A
	If I think a teammate has a concussion, I should tell my coach(es), parents, or licensed health care professional about the concussion.	N/A
	I will not return to play in a game or practice if a hit to my head or body causes any concussion-related symptoms.	N/A
	I will/my child will need written permission from a licensed health care professional to return to play or practice after a concussion.	
	After a concussion, the brain needs time to heal. I understand that I am/my child is much more likely to have another concussion or more serious brain injury if return to play or practice occurs before concussion symptoms go away.	
	Sometimes, repeat concussions can cause serious and long-lasting problems.	
	I have read the concussion symptoms on the Concussion fact sheet.	

\_\_\_\_\_  
Signature of Student-Athlete

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

## A Fact Sheet for **ATHLETES**

### **WHAT IS A CONCUSSION?**

A concussion is a brain injury that:

- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven't been knocked out
- Can be serious even if you've just been "dinged"

### **WHAT ARE THE SYMPTOMS OF A CONCUSSION?**

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not "feel right"

### **WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?**

- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.

- **Get a medical checkup.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

### **HOW CAN I PREVENT A CONCUSSION?**

Every sport is different, but there are steps you can take to protect yourself.

- Follow your coach's rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:

- > The right equipment for the game, position, or activity
- > Worn correctly and fit well
- > Used every time you play

**Remember, when in doubt, sit them out!**

## A Fact Sheet for PARENTS

### WHAT IS A CONCUSSION?

A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.

You can’t see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

### WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

#### Signs Observed by Parents or Guardians

*If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:*

- Appears dazed or stunned
- Is confused about assignment or position
- Forgets an instruction
- Is unsure of game, score, or opponent
- Moves clumsily
- Answers questions slowly
- Loses consciousness (even briefly)
- Shows behavior or personality changes
- Can’t recall events prior to hit or fall
- Can’t recall events after hit or fall

#### Symptoms Reported by Athlete

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems
- Confusion
- Does not “feel right”

### HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?

Every sport is different, but there are steps your children can take to protect themselves from concussion.

- Ensure that they follow their coach’s rules for safety and the rules of the sport.
- Encourage them to practice good sportsmanship at all times.
- Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
- Learn the signs and symptoms of a concussion.

### WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD HAS A CONCUSSION?

- 1. Seek medical attention right away.** A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.
- 2. Keep your child out of play.** Concussions take time to heal. Don’t let your child return to play until a health care professional says it’s OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.
- 3. Tell your child’s coach about any recent concussion.** Coaches should know if your child had a recent concussion in ANY sport. Your child’s coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

Remember, when in doubt, sit them out!  
It's better to miss one game than the whole season.

### Be Prepared

A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a blow to the body that causes the head to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be mild bump or blow to the head can be serious. Concussions can occur in any sport or recreation activity. So, all coaches, parents, and athletes need to learn concussion signs and symptoms and what to do if a concussion occurs.

## SIGNS AND SYMPTOMS OF A CONCUSSION

### SIGNS OBSERVED BY PARENTS OR GUARDIANS

- Appears dazed or stunned
- Is confused about events
- Answers questions slowly
- Repeats questions
- Can't recall events prior to the hit, bump, or fall
- Can't recall events after the hit, bump, or fall
- Loses consciousness (even briefly)
- Shows behavior or personality changes
- Forgets class schedule or assignments

### SYMPTOMS REPORTED BY YOUR CHILD OR TEEN

#### Thinking/Remembering:

- Difficulty thinking clearly
- Difficulty concentrating or remembering
- Feeling more slowed down
- Feeling sluggish, hazy, foggy, or groggy

#### Physical:

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Fatigue or feeling tired
- Blurry or double vision
- Sensitivity to light or noise
- Numbness or tingling
- Does not “feel right”

#### Emotional:

- Irritable
- Sad
- More emotional than usual
- Nervous

#### Sleep\*:

- Drowsy
- Sleeps less than usual
- Sleeps more than usual
- Has trouble falling asleep

*\*Only ask about sleep symptoms if the injury occurred on a prior day.*

## LINKS TO OTHER RESOURCES

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



1 Management of Sports Related Concussions

2  
3 A. Athletic Director or Administrator in Charge of Athletic Duties:

4  
5 1. *Updating*: Each spring, the athletic director, or the administrator in charge of athletics  
6 if there is no athletic director, shall review any changes that have been made in  
7 procedures required for concussion and head injury management or other serious injury  
8 by consulting with the MHSA or the MHSA Web site, U.S. DPHHS, and CDCP web site.  
9 If there are any updated procedures, they will be adopted and used for the upcoming  
10 school year.

11  
12 2. *Identified Sports*: Identified sports include all organized youth athletic activity  
13 sponsored by the school or school district.

14  
15 B. *Training*: All coaches, athletic trainers, and officials, including volunteers shall undergo  
16 training in head injury and concussion management at least once each school year by one of the  
17 following means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing  
18 the MHSA concussion clinic found on the MHSA Sports Medicine page at [www.mhsa.org](http://www.mhsa.org); or by  
19 the district inviting the participation of appropriate advocacy groups and appropriate sports  
20 governing bodies to facilitate the training requirements.

21  
22 C. *Parent Information Sheet*: On a yearly basis, a concussion and head injury information sheet  
23 shall be distributed to the student-athlete and the athlete's parent and/or guardian prior to the  
24 student-athlete's initial practice or competition. This information sheet may be incorporated into  
25 the parent permission sheet which allows students to participate in extracurricular athletics and  
26 should include resources found on the MHSA Sports Medicine page at [www.mhsa.org](http://www.mhsa.org), U.S.  
27 DPHHS, and CDCP websites.

28  
29 D. *Responsibility*: An athletic trainer, coach, or official shall immediately remove from play,  
30 practice, tryouts, training exercises, preparation for an athletic game, or sport camp a student-  
31 athlete who is suspected of sustaining a concussion or head injury or other serious injury.

32  
33 E. *Return to Play After Concussion or Head Injury*: In accordance with MHSA Return to Play  
34 Rules and Regulations Dylan Steigers Protection of Youth Athletes Act a student athlete who has  
35 been removed from play, practice, tryouts, training exercises, preparation for an athletic game, or  
36 sport camp may not return until the athlete is cleared by a licensed health care professional  
37 (registered, licensed, certified, or otherwise statutorily recognized health care professional). The  
38 health care provider may be a volunteer.

39  
40 Policy History:

41 Adopted on: July 2013

42 Reviewed on:

43 Revised on:

1 Administering Medication to Students

2

3 “Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food  
4 and Drug Administration and are ordered by a health care provider. It includes over-the-counter  
5 medications prescribed through a standing order by an authorized physician or prescribed by the  
6 student’s health care provider.

7

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

9

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

13

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

17

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

22

23 Administering Medication

24

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

30

31 Emergency Administration of Medication

32

33 In the event of an emergency, a school nurse or trained staff member, exempt from the nursing  
34 license requirement under § 37-8-103(1)(c), MCA, may administer emergency medication to any  
35 student in need thereof on school grounds, in a school building, at a school function, or on a  
36 school bus according to a standing order of an authorized physician or a student’s private  
37 physician. In the event that emergency medication is administered to a student, the school nurse  
38 or staff member shall call emergency responders and notify the student’s parents/guardians.

1  
2  
3 A building administrator or school nurse will enter any medication to be administered in an  
4 emergency on an individual student medication record and retain the documentation.

5  
6 Assisting Students with Self-Administration of Medication

7  
8 A building principal or other school administrator may authorize, in writing, any school  
9 employee:

10  
11 To assist in self-administration of any drug that may lawfully be sold over the counter  
12 without a prescription to a student in compliance with the written instructions and with  
13 the written consent of a student's parent or guardian; and

14  
15 To assist in self-administration of a prescription drug to a student in compliance with  
16 written instructions or standing order of an authorized physician or a student's private  
17 physician and with the written consent of a student's parent or guardian.

18  
19  
20 A school employee authorized, in writing, to assist students with self-administration of  
21 medications, may only rely on the following techniques:

- 22
- 23 • Making oral suggestions, prompting, reminding, gesturing, or providing a written guide  
24 for self-administering medications;
  - 25 • Handing to a student a prefilled, labeled medication holder or a labeled unit dose  
26 container, syringe, or original marked and labeled container from a pharmacy;
  - 27 • Opening the lid of a container for a student;
  - 28 • Guiding the hand of a student to self-administer a medication;
  - 29 • Holding and assisting a student in drinking fluid to assist in the swallowing of oral  
30 medications;
  - 31 and
  - 32 • Assisting with removal of a medication from a container for a student with a physical  
33 disability that prevents independence in the act.
  - 34 • Other guidance or restrictions previously provided in writing to the school by a student's  
35 parent, an individual who has executed a caretaker relative educational authorization  
36 affidavit, or guardian is on file.
- 37

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

1  
2 Students with allergies or asthma may be authorized by the building principal or Superintendent,  
3 in consultation with medical personnel, to possess and self-administer emergency medication  
4 during the school day, during field trips, school-sponsored events, or while on a school bus. The  
5 student shall be authorized to possess and self-administer medication if the following conditions  
6 have been met.

- 7
- 8 • A written and signed authorization from the parents, an individual who has executed a  
9 caretaker relative educational authorization affidavit, or guardians for self-administration  
10 of medication, acknowledging that the school district or its employees are not liable for  
11 injury that results from the student self-administering the medication.
  - 12 • The student must have the prior written approval of his/her primary health care provider.  
13 The written notice from the student's primary care provider must specify the name and  
14 purpose of the medication, the prescribed dosage, frequency with which it may be  
15 administered, and the circumstances that may warrant its use.
  - 16 • Documentation that the student has demonstrated to the health care practitioner and the  
17 school nurse, if available, the skill level necessary to use and administer the medication.
  - 18 • Documentation of a doctor-formulated written treatment plan for managing asthma,  
19 severe allergies, or anaphylaxis episodes of the student and for medication use by the  
20 student during school hours.

21  
22 Authorization granted to a student to possess and self-administer medication shall be valid for  
23 the current school year only and must be renewed annually.

24  
25 A student's authorization to possess and self-administer medication may be limited or revoked  
26 by the building principal or other administrative personnel.

27  
28 If provided by the parent, an individual who has executed a caretaker relative educational  
29 authorization affidavit, or guardian, and in accordance with documentation provided by the  
30 student's doctor, backup medication must be kept at a student's school in a predetermined  
31 location or locations to which the student has access in the event of an asthma, severe allergy, or  
32 anaphylaxis emergency.

33  
34 Immediately after using epinephrine during school hours, a student shall report to the school  
35 nurse or other adult at the school who shall provide follow up care, including making a 9-1-1  
36 emergency call.

37  
38 Self-Administration of Other Medication

1  
2 The District shall permit students who are able to self-administer specific medication to do so  
3 provided that all of the following have occurred:  
4

- 5 • A physician, dentist, or other licensed health care provider provides a written order for  
6 self-administration of said medication;
- 7 • Written authorization for self-administration of medication from a student's parent, an  
8 individual who has executed a caretaker relative educational authorization affidavit, or  
9 guardian is on file; and
- 10 • A principal and any appropriate teachers are informed that a student is self-administering  
11 prescribed medication.

12  
13 Administration of Glucagons  
14

15 School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-  
16 412, MCA, only under the following conditions: (1) the employee may administer glucagon to a  
17 diabetic student only in an emergency situation; (2) the employee has filed the necessary  
18 designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA,  
19 and (3) the employee has filed the necessary written documentation of training with the District,  
20 as required by § 20-5-412(4), MCA. Designation of staff is to be made by a parent, an individual  
21 who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student,  
22 and school employees are under no obligation to agree to designation. Glucagon is to be  
23 provided by the parent or guardian. All documentation shall be kept on file.  
24

25 Handling and Storage of Medications  
26

27 The Board requires that all medications, including those approved for keeping by students for  
28 self-medication, be first delivered by a parent, an individual who has executed a caretaker  
29 relative educational authorization affidavit, or other responsible adult to a nurse or employee  
30 assisting with self-administration of medication. A nurse or assistant:  
31

- 32 • Shall examine any new medication to ensure it is properly labeled with dates, name of  
33 student, medication name, dosage, and physician's name;
- 34 • Shall develop a medication administration plan, if administration is necessary for a  
35 student, before any medication is given by school personnel;
- 36 • Shall record on the student's individual medication record the date a medication is  
37 delivered and the amount of medication received;
- 38 • Shall store medication requiring refrigeration at 36° to 46° F;

- 1 • Shall store prescribed medicinal preparations in a securely locked storage compartment;  
2 and
- 3 • Shall store controlled substances in a separate compartment, secured and locked at all  
4 times.
- 5 • All non-emergency medication shall be kept in a locked, nonportable container, stored in  
6 its original container with the original prescription label. Epinephrine, naloxone, and  
7 student emergency medication may be kept in portable containers and transported by the  
8 school nurse or other authorized school personnel.
- 9 • Food is not allowed to be stored in refrigeration unit with medications.
- 10 • Shall notify the building administrator, school district nurse, and parent or guardian of  
11 any medication error and document it on the medication administration record.

12  
13 The District will permit only a forty-five-(45)-school-day supply of a medication for a student to  
14 be stored at a school; and all medications, prescription and nonprescription, will be stored in  
15 their original containers.

16  
17 The District will limit access to all stored medication to those persons authorized to administer  
18 medications or to assist in the self-administration of medications. The District requires every  
19 school to maintain a current list of those persons authorized by delegation from a licensed nurse  
20 to administer medications.

21  
22 The District may maintain a stock supply of auto-injectable epinephrine to be administered by a  
23 school nurse or other authorized personnel to any student or nonstudent as needed for actual or  
24 perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine  
25 in a school setting or at related activities, the district shall adhere to the requirements stated in  
26 20-5-420, Section 2 MCA.

27  
28 The District may maintain a stock supply of an opioid antagonist to be administered by a school  
29 nurse or other authorized personnel to any student or nonstudent as needed for an actual or  
30 perceived opioid overdose. A school that intends to obtain an order for emergency use of an  
31 opioid antagonist in a school setting or at related activities shall adhere to the requirements in  
32 law.

33  
34 Disposal of Medication, Medical Equipment, Personal Protective Equipment

35  
36 The District requires school personnel either to return to a parent, an individual who has  
37 executed a caretaker relative educational authorization affidavit, or guardian or, with permission  
38 of the parent, an individual who has executed a caretaker relative educational authorization

1 affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school  
2 nurse, in the presence of a witness, will destroy any medicine not repossessed by a parent or  
3 guardian within a seven-(7)-day period of notification by school authorities.  
4

5 Medical sharps shall be disposed of in an approved sharps container. Building administrators  
6 should contact the school nurse or designated employee when such a container is needed. Sharps  
7 containers are to be kept in a secure location in the school building. Disposal of sharps  
8 containers, medical equipment, and personal protective equipment is the responsibility of the  
9 school nurse or designated employee in accordance with the Montana Infectious Waste  
10 Management Act and the manufacturer guidelines specific to the container or equipment.  
11

12	Legal Reference:	§ 20-5-412,	MCA Definition – parent-designated adult
13			administration of glucagons training
14		§ 20-5-420, MCA	Self-administration or possession of asthma,
15	severe		
16			Allergy, or anaphylaxis medication
17		§ 20-5-421, MCA	Emergency use of epinephrine in school
18	setting		
19		§ 37-8-103(1)(c), MCA	Exemptions – limitations on authority
20		ARM 24.159.1601, et seq	Delegation of Nurse Duties
21		§ 20-5-426, MCA	Emergency use of an opioid antagonist in
22			school setting – limit on liability
23		§ 75-10-1001, et seq	Infectious Waste Management Act
24		37.111.812, ARM	Safety Requirements
25		10.55.701(s), ARM	Board of Trustees
26			

27 Policy History:

28 Adopted on: February 2007

29 Revised on: April 2008, October 2011, July 2013, March 2018, July 2021, May 2022  
30

31 *Note: The revision adds references to caretaker relative. It removed the specification of epipen*  
32 *or asthma inhalers and added severe allergy references. It also defined the administration of*  
33 *glucagons.*

34 *Note: The revision re-defined that an employee may administer glucagon ONLY in an*  
35 *emergency situation.*

36 *Note: July 2013 revision adds the ability of the district to have a stock supply of auto-injectable*  
37 *epinephrine on hand.*

38 *Note: 2018 revision adds the ability of the district to have a stock of Opioid antagonist on hand.*

**Montana Authorization to Carry and Self-Administer Medication**

For this student to carry and 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 or legal guardian.

Student's Name: \_\_\_\_\_  
Sex: (Please circle) Female/Male  
Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

School: \_\_\_\_\_  
City/Town: \_\_\_\_\_  
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) \_\_\_\_\_ (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 with out school personnel supervision. I have provided a written treatment plan for managing asthma 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 or Guardian**

As the parent/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 or nonpublic school 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 or nonpublic school 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 re-write 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: \_\_\_\_\_

*(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider)*



1 Communicable Diseases

2  
3 *Note: For purposes of this policy, the term “communicable disease” refers to the diseases*  
4 *identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.*  
5

6 In all proceedings related to this policy, the District will respect a student’s right to privacy. All  
7 applicable district policies and handbook provision governing confidentiality of student medical  
8 information remain in full effect.  
9

10 Although the District is required to provide educational services to all school-age children who  
11 reside within its boundaries, it may deny attendance at school to any child diagnosed as having a  
12 communicable disease that could make a child’s attendance harmful to the welfare of other  
13 students. The District also may deny attendance to a child with suppressed immunity in order to  
14 protect the welfare of that child when others in a school have an infectious disease, which,  
15 although not normally life threatening, could be life threatening to a child with suppressed  
16 immunity.  
17

18 The District shall provide soap, and disposable towels or other hand-drying devices shall be  
19 available at all handwashing sinks. Common-use cloth towels are prohibited. Sanitary napkin  
20 disposal shall be provided for girls of age ten or older and in teachers’ toilet rooms and nurses’  
21 toilet rooms. The District shall provide either sanitary napkin dispensers in the girls’, nurses’,  
22 and teachers’ toilet rooms or some other readily available on-site access to sanitary napkins.  
23

24 The Board recognizes that communicable diseases that may afflict students range from common  
25 childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as  
26 human immunodeficiency virus (HIV) infection. The District will rely on advice of the public  
27 health and medical communities in assessing the risk of transmission of various communicable  
28 diseases to determine how best to protect the health of both students and staff.  
29

30 The District shall manage common communicable diseases in accordance with DPHHS  
31 guidelines and communicable diseases control rules. If a student develops symptoms of any  
32 reportable communicable or infectious illness as defined while at school, the responsible school  
33 officials shall do the following:  
34

- 35 (a) Isolate the student immediately from other students or staff; and
- 36 (b) Inform the parent or guardian as soon as possible about the illness and request him or  
37 her to pick up the student; and
- 38 (c) Consult with a physician, other qualified medical professional, or the local county  
39 health authority to determine if the case should be reported to the local health officer.  
40

41 Students who express feelings of illness at school may be referred to a school nurse or other  
42 responsible person designated by the Board and may be sent home as soon as a parent or person  
43 designated on a student’s emergency medical authorization form has been notified. The District  
44 may temporarily exclude from onsite school attendance a student who exhibits symptoms of a  
45 communicable disease that is readily transmitted in a school setting. Offsite instruction will be

1 provided during the period of absence in accordance with Policy 2050. The District reserves the  
2 right to require a statement from a student’s primary care provider authorizing a student’s return  
3 to onsite instruction.  
4

5 When information is received by a staff member or a volunteer that a student is afflicted with a  
6 serious communicable disease, the staff member or volunteer will promptly notify a school nurse  
7 or other responsible person designated by the Board to determine appropriate measures to be  
8 taken to protect student and staff health and safety. A school nurse or other responsible person  
9 designated by the Board, after consultation with and on advice of public health officials, shall  
10 determine which additional staff members, if any, have need to know of the affected student’s  
11 condition.  
12

13 Only those persons with direct responsibility for the care of a student or for determining  
14 appropriate educational accommodation will be informed of the specific nature of a condition, if  
15 it is determined that such individuals need to know this information.  
16

17 The District may notify parents of other children attending a school that their children have been  
18 exposed to a communicable disease without identifying the particular student who has the  
19 disease.  
20

21 Healthy Hand Hygiene Behavior  
22

23 All students, staff, and others present in any school building shall engage in hand hygiene at the  
24 following times, which include but are not limited to:

- 25 (a) Arrival to the facility and after breaks
- 26 (b) Before and after preparing, eating, or handling food or drinks
- 27 (c) Before and after administering medication or screening temperature
- 28 (d) After coming in contact with bodily fluid
- 29 (e) After recess
- 30 (f) After handling garbage
- 31 (g) After assisting students with handwashing
- 32 (h) After use of the restroom  
33

34 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20  
35 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol  
36 can be used if soap and water are not readily available.  
37

38 Staff members shall supervise children when they use hand sanitizer and soap to prevent  
39 ingestion. Staff members shall place grade level appropriate posters describing handwashing  
40 steps near sinks.  
41

42 Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control  
43 37.111.825, ARM Health Supervision and Maintenance  
44

45 Policy History:

**Jefferson High School District #1**

**STUDENTS**

3417  
Page 3 of 3

- 1 Adopted on: February 2007
- 2 Revised on: July 2021

**STUDENTS**

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness or injury; however, further medical attention is the responsibility of a parent or guardian.

The District requires that every parent or guardian provide a telephone number where a parent or designee of a parent may be reached in case of an emergency.

When a student is injured, staff will provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without regard to the existence of a do not resuscitate (DNR) request. A principal or designated staff member will call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

Isolate the student from other children to a room or area segregated for that purpose;

Inform a parent or guardian as soon as possible about the illness and request 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. Once located, a parent or a guardian is responsible for continuing treatment or for making other arrangements.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:

Adopted on: February 2007

Revised on: January 2016

January 2016 Revision note: Removed “immediately” because each case will be different, removed instructions for what the doctor might/should do because we don’t make that call.

**STUDENTS**

1 Removal of Student During School Day

2

3 The Board recognizes its responsibility for the proper care of students during a school day. In  
4 accordance with District procedures, only a duly authorized person may remove a student from  
5 school grounds, any school building, or school function during a school day. A person seeking  
6 to remove a student from school must present evidence satisfactory to a principal of having  
7 proper authority to remove a student. A teacher should not excuse a student from class to confer  
8 with anyone unless a request is approved by a principal. The Superintendent will establish  
9 procedures for removal of a student during a school day.

10

11

12

13 Policy History:

14 Adopted on: February 2007

15 Revised on:

**STUDENTS**

3440P

1 Removal of Student During School Day

2  
3 Schools must exercise a high order of responsibility for the care of students while in school. The  
4 removal of a student during the school day may be authorized in accordance with the following  
5 procedures:  
6

- 7 1. Law enforcement officers, upon proper identification, may remove a student from school  
8 as provided in Policies 4410 and 4411.  
9
- 10 2. Any other agencies must have a written administrative or court order directing the  
11 District to give custody to them. However, employees of the Department of Public  
12 Health and Human Services may take custody of a student under provisions of § 41-3-  
13 301, MCA, without a court order. Proper identification is required before the student  
14 shall be released.  
15
- 16 3. A student shall be released to the custodial parent. When in doubt as to custodial rights,  
17 school enrollment records must be relied upon, as the parents (or guardians) have the  
18 burden of furnishing schools with accurate, up-to-date information.  
19
- 20 4. The school should always check with the custodial parent before releasing the student to  
21 a non-custodial parent.  
22
- 23 5. Prior written authorization from the custodial parent or guardian is required before  
24 releasing a student into someone else's custody, unless an emergency situation justifies a  
25 waiver.  
26
- 27 6. Police should be called if a visitor becomes disruptive or abusive.  
28  
29  
30

31 Cross Reference: 4410 Relations with the Law Enforcement and Child Protective  
32 Agencies  
33 4411 Investigations and Arrests by Police  
34

35 Procedure History:  
36 Promulgated on: February 2007  
37 Revised on:

**STUDENTS**

School-Sponsored Student Activities

1  
2  
3 1. Student Organizations:

- 4  
5 a. All curricular student clubs or organizations must be approved by the  
6 administration. Secret or clandestine organizations or groups will not be  
7 permitted.  
8 b. Bylaws and rules of curricular student clubs or organizations must not be contrary  
9 to Board policy or to administrative rules and regulations.  
10 c. Procedures in curricular student clubs or organizations must follow generally  
11 accepted democratic practices in the acceptance of members and nomination and  
12 election of officers.

13  
14 2. Social Events

- 15  
16 a. Social events must have prior approval of the administration.  
17 b. Social events must be held in school facilities unless approved by the Board.  
18 c. Social events must be chaperoned at all times.  
19 d. Attendance at high school social events and dances shall be limited to high school  
20 students unless prior permission is received from the principal.

21  
22 3. Extracurricular Activities

- 23  
24 a. Academic and behavior eligibility rules are established by MHSA rules and  
25 District policy.  
26 b. Any student convicted of a criminal offense may, at the discretion of school  
27 officials, become ineligible for such a period of time as the school officials may  
28 decide.  
29 c. In establishing an interscholastic program, the Board directs the administration to:  
30 i. Open all sports to all students enrolled in the District, with an equal  
31 opportunity for participation.  
32 ii. Open all sports to residents of the school district and who is at least 5  
33 years of age and not more than 19 on or before September 10 of the year  
34 in which participation in extracurricular activities is sought by such child  
35 in accordance with the provisions of this policy.  
36 iii. Recommend sports activities based on interest inventories completed by  
37 the students.

38  
39 4. Participation in District Extracurricular Activities by Unenrolled Children

- 40  
41 a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or  
42 home school meeting the requirements of section 20-5-109:  
43 i. is eligible to seek to participate in any extracurricular activity of the  
44 District that is offered to pupils of the District who are of the same age.  
45 ii. is subject to the same standards for participation as those required of full-  
46 time pupils enrolled in the school and the same rules of any interscholastic

STUDENTS

- 1 organization of which the school of participation is a member as specified
- 2 in Section 3.a. and 3.b. of this policy and any related student or activity
- 3 handbook provisions.
- 4 iii. will be assessed for purposes of placement, team formation, and cuts using
- 5 the same criteria as used for full-time pupils enrolled in the District.
- 6 b. In cases where there is more than one school serving the same age group within
- 7 District boundaries, a child under Section 4 of this policy shall be subject to the
- 8 same school zone rules applicable to full-time pupils of the District. Participation
- 9 for one school for one sport and another school for another sport is prohibited.
- 10 c. The academic eligibility for extracurricular participation for a student attending a
- 11 nonpublic school as specified under Section 4.a.ii of this policy shall be attested
- 12 by the head administrator of the nonpublic school. No further verification shall be
- 13 required.
- 14 d. The academic eligibility for extracurricular participation for a student attending a
- 15 home school as specified under Section 4.a.ii of this policy shall be attested in
- 16 writing by the educator providing the student instruction with verification by the
- 17 school principal for the school of participation. The verification may not include
- 18 any form of student assessment.
- 19 e. Students participating in extracurricular activities under Section 4 of this policy
- 20 may be considered part-time enrollees for purposes of ANB in accordance with
- 21 Policy 3150, 3121, and 3121P.

5. Designation of Athletic Teams

22  
23  
24  
25 Unless otherwise prohibited by Policy 3210 or federal law, District sponsored athletic teams or  
26 sports designated for females, women, or girls may not be open to students who are biologically  
27 of the male sex. District sponsored athletic teams or events may be designated as one of the  
28 following based on biological sex in accordance with applicable MHS rules, this Policy,  
29 federal law, Policy 3210, or the provisions of Section 6 of Chapter 405 (2021):

- 30
- 31 a. Males, men, or boys;
- 32 b. Females, women, or girls; or
- 33 c. Coed or mixed.
- 34

35 This section of this Policy is void 21 days after the date the United States Secretary of Education  
36 files a written report with the proper committees of the United States House of Representatives  
37 and the United States Senate as required by 34 CFR 100.8(c) due to the enforcement of Chapter  
38 405 (2021).

39		
40		
41	Cross Reference:	Policy 2332 Religion and Religious Activities
42		Policy 3121-3121P Enrollment and Attendance
43		Policy 3150 Part Time Attendance
44		Policy 3222 Distribution and Posting Materials
45		Policy 3233 Student Use of Buildings – Equal Access
46		Policy 3550 Student Clubs



# Jefferson High School District #1

## STUDENTS

3510

1	Policy 4331	Use of School Property for Posting Notices
2		
3	Legal Reference: Chapter 297	2021 General Legislative Session
4	Chapter 269	2021 General Legislative Session
5	Chapter 405	2021 General Legislative Session
6	34 CFR 100.8(c)	Procedure for Effecting Compliance
7	Bostock v. Clayton County Georgia, 140 S.Ct. 1731 (2020)	
8		
9		

### Policy History:

11 Adopted on: February 2007

12 Revised on: January 2016, August 2021

13

14 January 2016 Revision Note: Added cross-reference to policy 3233

STUDENTS

1 Student Fees and Fines

2  
3 Within the concept of free public education, the District will provide an educational program for  
4 students as free of costs as possible.

5  
6 The Board may charge a student a reasonable fee for any course or activity not reasonably related to  
7 a recognized academic and educational goal of the District or for any course or activity taking place  
8 outside normal school functions. The Board may waive fees in cases of financial hardship.

9  
10 The Board delegates authority to the Superintendent to establish appropriate fees and procedures  
11 governing collection of fees and asks the Superintendent to make annual reports, at the regular June  
12 Board meeting, to the Board regarding fee schedules. The Board also may require fees for actual  
13 cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic  
14 science, science, or agriculture courses.

15  
16 The District holds a student responsible for the cost of replacing materials or property that are lost or  
17 damaged because of negligence. A building administrator will notify a student and parent regarding  
18 the nature of violation or damage, how restitution may be made, and how an appeal may be  
19 instituted. The district may not refuse to transfer files to another district because a student owes fines  
20 or fees. The District may not withhold the school schedule of a student because the student owes  
21 fines or fees.

22  
23 The district may withhold the grades, diploma, or transcripts of a current or former student who is  
24 responsible for the cost of school materials or the loss or damage of school property until the student  
25 or the student's parent or guardian pays the owed fines or fees..

26  
27 In the event a student who owes fines or fees transfers to another school district in the state and the  
28 District has decided to withhold the student's grades, diploma, or transcripts from the student and  
29 the student's parent or guardian pursuant to the above paragraph, the District shall:

- 30 i. Upon receiving notice that the student has transferred to another school district in the state,  
31 notify the student's parent or guardian in writing that the school district to which the  
32 student has transferred will be requested to withhold the student's grades, diploma, or  
33 transcripts until any obligation has been satisfied;
- 34 ii. Forward appropriate grades or transcripts to the school district to which the student has  
35 transferred;
- 36 iii. At the same time, notify the school district to which the student has transferred of any  
37 financial obligation of the student and request the withholding of the student's grades,  
38 diploma, or transcripts until any obligations are met;
- 39 iv. When the student or the student's parent or guardian satisfies the obligation, inform the  
40 school district to which the student has transferred.

41  
42 A student or parent may appeal the imposition of a charge for damages to the Superintendent and to  
43 the Board.

44  
45

STUDENTS

- 1
- 2 Legal reference:                    § 20-1-213(3), MCA    Transfer of school records
- 3                                            § 20-5-201, MCA      Duties and sanctions
- 4                                            § 20-7-601, MCA      Free textbook provisions
- 5                                            § 20-9-214, MCA      Fees
- 6
- 7 Policy History:
- 8 Adopted on:                    February 2007
- 9 Revised on:                    February 14, 2011, October 2015, May 2016, March 2020
- 10
- 11 October 2015 revision note: Added process for working with transfer districts.

1 Student Clubs

2

3 The Board recognizes that student clubs are a helpful resource for schools and supports their  
4 formation. Student clubs must complete an application process. The Superintendent or designee  
5 is delegated the authority to approve or deny club applications.

6

7 Curricular Student Clubs

8

9 The Board of Trustees authorize the administration to approve and recognize student clubs or  
10 organizations in a manner consistent with this policy and administrative procedure. Student clubs  
11 that are recognized by the District and permitted to use District facilities, use the District's name,  
12 a District school's name, or a District school's team name or any logo attributable to the District,  
13 and raise and deposit funds with the District.

14

15 In order for the administration to approve and recognize a student club, the group must submit an  
16 application to the building administrator containing the following:

17

18 1. The organization's name and purpose.

19

20 2. The portion of the curriculum that forms the basis of the club. The portion of the  
21 curriculum that forms the basis of the club or the course offered at the school enhanced  
22 by the club's functions. This step is required for consideration as a curricular club.  
23 Applications that do not satisfy this step may be permitted to meet at the school as a non-  
24 curricular student group.

25

26 3. The staff employee designated to serve as the group's advisor.

27

28 4. The rules and procedures under which it operates.

29

30 5. A statement that the membership will adhere to applicable Board policies and  
31 administrative procedures.

32

33 The administration will report to the Board when new student clubs have been approved and  
34 recognized.

35

36 Upon approval of a new student club, the administration will notify the District clerk so the  
37 group may have any funds raised for its operations so designated in accordance with the  
38 District's financial practices.

39

40 Approved curricular student clubs will appear in the student handbook and other appropriate  
41 district publications. Advisors of new student groups may be eligible for a stipend in accordance  
42 with applicable collective bargaining agreement provisions and available district resources.  
43 Approved curricular student clubs may also have limited access as designated by the

1 administration to distribute messages through official communications of the district (e.g.  
2 intercom announcements, district newsletters, group emails, etc.)  
3

4 Non-Curricular Student Groups  
5

6 Student-led and initiated groups of similar interests that do not meet the requirements to be an  
7 approved curricular student club as outlined in this policy shall be designated as noncurricular  
8 student groups. Non curricular student groups include any student group that does not directly  
9 relate to the body of courses offered by the District but has a regular meeting schedule and  
10 established operational structure. District employees that are present at meetings in a supervisory  
11 capacity are not eligible for a stipend. Student meetings must be supervised by an adult.  
12 Employees or agents of the District that are present at student group meetings must only serve in  
13 a supervisory capacity.  
14

15 The District approved a limited open forum, within the meaning of that term as defined by U.S.  
16 Code section 4071, for non-curricular student groups to meet on school premises during non-  
17 instructional time. Noncurricular student groups wishing to conduct a meeting within this limited  
18 forum are subject to the following fair opportunity criteria, which shall be uniformly  
19 administered consistent with 20 U.S. Code section 4071:

- 20 1. All such meetings must be voluntary and student-initiated;
- 21 2. There shall be no sponsorship of the meeting by the District or its agents or employees;
- 22 3. Employees or agents of the District that are present at religious meetings must be only in  
23 a non-participatory capacity;
- 24 4. All meetings must not materially and substantially interfere with the orderly conduct of  
25 educational activities within the District; and
- 26 5. Non-school persons may not direct, conduct, control, or regularly attend activities of the  
27 non-curricular student groups.  
28

29 Meeting is defined as a gathering of a group of students for the purposes of discussing group  
30 beliefs or engaging in group operations. An event that does not meet this definition will be  
31 required to comply with the Community Use of District Facilities Policy and Procedure.  
32

33 Noncurricular student groups may post notice of gatherings in accordance with Policy 3222.  
34 Noncurricular student groups may be authorized by the [Board or administration\*\*\*] to have the  
35 name of the school to appear as part of their group's name. A logo attributable to the school or  
36 District, the District's name, or the school's team name or mascot may not be used by a  
37 noncurricular group. The permission to post notice of gatherings or use the school name does not  
38 constitute sponsorship of the group by the District.  
39

40 Informal Gatherings  
41

42 Students are permitted to informally gather at the school in accordance with Policy 3233.  
43 Informal gatherings of students are not permitted to use the District's name, a District school's  
44 name, or a District school's team name or mascot, or any logo attributable to the District, and

1 raise and deposit funds with the District. Informal student gatherings may not post notices or  
2 other materials in accordance with Policy 3222 but may request to post items in accordance with  
3 Policy 4331.

4

5 Financial Operations

6

7 All funds raised by recognized student clubs are subject to applicable School District policies  
8 regarding financial management. All funds raised by recognized student clubs that are donated to  
9 the School District become public funds when placed in a School District account. All public  
10 funds must be monitored in accordance with state law. Deposits must be reviewed to ensure  
11 compliance with equity rules, amateur rules and appropriateness under district policy.

12

13 Funds spent by the School District will be done in accordance with District purchase order policy  
14 and spending limits regardless of the source of the donation. All expenditures should be  
15 preapproved to ensure equity and auditing standards are met.

16

17 The administration is authorized to develop procedures to implement this policy.

18

19 Cross Reference: 2332 – Religion and Religious Activities  
20 3210 - Equal Education and Nondiscrimination  
21 3222 – Distribution and Posting Materials  
22 3233 - Student Use of Buildings - Equal Access  
23 4331 – Use of School Property for Posting Notices

24

25

26

27 Legal Reference: 20 U.S. Code Section 4071 Denial of equal access prohibited  
28 Section 20-5-203, MCA Secret Organization Prohibited

29

30 Policy History:

31 Adopted on: August 2020

32 Revised on: August 2021

33

34 *Revision Note:*

**JEFFERSON HIGH SCHOOL DISTRICT STUDENT CLUB APPLICATION – POLICY  
3550F**

\_\_\_ This application is for a new club      \_\_\_ This application is to renew an existing club

This application is to request approval of a student club at Jefferson High School District #1. The application must be fully completed for the application to be considered. Incomplete or incorrectly prepared applications will not be considered. All applications will be considered in accordance with District Policy 3550 and District guidelines. Copies of the policy and guidelines can be obtained at the District Office or online at [jhs.k12.mt.us](http://jhs.k12.mt.us). Approved clubs that violate District Policy, Montana law, or federal law are subject to suspension or termination.

Step 1. General Club Information

Proposed Club Name: \_\_\_\_\_

Proposed Club Supervisor Name: \_\_\_\_\_

Faculty supervisors do not sponsor or participate in non-curricular clubs; however, an adult supervisor must be present.

Step 2. Club’s Bylaws, Charter, or Statement of Purpose

Please attach any documents outlining the rules and procedures under which the club will operate. These documents may include but are not limited to bylaws, membership expectations, or a national charter. If the documents are not yet available, drafts may be attached, or a detailed statement of purpose can be provided until documents are available.

Step 3. Basis for Curriculum Related Status *(For consideration as a curricular club. Groups that do not satisfy this step may be permitted to operate as a non-curricular student group.)*

To be approved as a curricular club, the club must be based upon an aspect of the school’s curriculum or the functions of the club must enhance a course offered at the school. Please attach a description of why the proposed club should be designated as a curricular club providing specific facts supporting such status.

Step 4. Time, Frequency, Location, and Notice of Anticipated Club Meetings and Functions

Please attach a statement of the proposed use of school facilities, including at the specific areas or facilities of the school for which use is requested and the proposed nature of the use of those facilities. Attach or describe any examples of materials which the club plans to use to tell students about the club’s existence or to invite students to join.

Step 5. Submission and Acknowledgement

By signing this application form, the students and advisor acknowledge that the club’s members and operations will adhere to applicable Board policies and administrative procedures governing curricular clubs.





1 School student records are confidential, and information from them will not be released other than  
2 as provided by law. State and federal laws grant students and parents certain rights, including the  
3 right to inspect, copy, and challenge school records.  
4

5 The District will ensure information contained in student records is current, accurate, clear, and  
6 relevant. All information maintained concerning a student receiving special education services will  
7 be directly related to the provision of services to that child. The District may release directory  
8 information as permitted by law, but parents will have the right to object to release of information  
9 regarding their child. Military recruiters and institutions of higher education may request and  
10 receive the names, addresses, and telephone numbers of all high school students, unless the parent(s)  
11 notifies the school not to release this information.  
12

13 The Superintendent will implement this policy and state and federal law with administrative  
14 procedures. The Superintendent or designee will inform staff members of this policy and inform  
15 students and their parents of it, as well as of their rights regarding student school records.  
16

17 Each student’s permanent file, as defined by the board of public education, must be permanently  
18 kept in a secure location. Other student records must be maintained and destroyed as provided in  
19 20-1-212, MCA  
20

21  
22 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34  
23 C.F.R. 99  
24 § 20-1-212, MCA Destruction of records by school officer.  
25 § 20-5-201, MCA Duties and sanctions  
26 § 40-4-225, MCA Access to records by parent  
27 10.55.909, ARM Student Records  
28 No Child Left Behind Act of 2001, P.L. 107-334  
29

30 Policy History:

31 Adopted on: February 2007

32 Revised on: July 2013

1 Student Records

2  
3 Notification to Parents and Students of Rights Concerning a Student's School Records

4  
5 *This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

6  
7 The District will maintain two (2) sets of school records for each student: a permanent record  
8 and a cumulative record. The permanent record will include:

- 9  
10 Basic identifying information  
11 Academic work completed (transcripts)  
12 Level of achievement (grades, standardized achievement tests)  
13 Immunization records (per § 20-5-506, MCA)  
14 Attendance record  
15 Statewide student identifier assigned by the Office of Public Instruction  
16 Record of any disciplinary action taken against the student, which is educationally related

17  
18 The cumulative record may include:

- 19  
20 Intelligence and aptitude scores  
21 Psychological reports  
22 Participation in extracurricular activities  
23 Honors and awards  
24 Teacher anecdotal records  
25 Verified reports or information from non-educational persons  
26 Verified information of clear relevance to the student's education  
27 Information pertaining to release of this record  
28 Disciplinary information

29  
30 The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students  
31 over eighteen (18) years of age ("eligible students") certain rights with respect to the student's  
32 education records. They are:

- 33  
34 1. **The right to inspect and copy the student's education records, within a reasonable**  
35 **time from the day the District receives a request for access.**

36  
37 Students less than eighteen (18) years of age have the right to inspect and copy their  
38 permanent record. Parents/guardians or students should submit to the school principal (or  
39 appropriate school official) a written request identifying the record(s) they wish to  
40 inspect. The principal will make arrangements for access and notify the parent(s)/  
41 guardian(s) or eligible student of the time and place the records may be inspected. The  
42 District charges a nominal fee for copying, but no one will be denied their right to copies  
43 of their records for inability to pay this cost.

44  
45

1  
2 The rights contained in this section are denied to any person against whom an order of  
3 protection has been entered concerning a student.  
4

5 **2. The right to request amendment of the student’s education records which the**  
6 **parent(s)/guardian(s) or eligible student believes are inaccurate, misleading,**  
7 **irrelevant, or improper.**  
8

9 Parents/guardians or eligible students may ask the District to amend a record they believe  
10 is inaccurate, misleading, irrelevant, or improper. They should write the school principal  
11 or records custodian, clearly identifying the part of the record they want changed, and  
12 specify the reason.  
13

14 If the District decides not to amend the record as requested by the parent(s)/guardian(s) or  
15 eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the  
16 decision and advise him or her of their right to a hearing regarding the request for  
17 amendment. Additional information regarding the hearing procedures will be provided to  
18 the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.  
19

20 **3. The right to permit disclosure of personally identifiable information contained in**  
21 **the student’s education records, except to the extent that FERPA or state law**  
22 **authorizes disclosure without consent.**  
23

24 Disclosure is permitted without consent to school officials with legitimate educational or  
25 administrative interests. A school official is a person employed by the District as an  
26 administrator, supervisor, instructor, or support staff member (including health or  
27 medical staff and law enforcement unit personnel); a person serving on the Board; a  
28 person or company with whom the District has contracted to perform a special task (such  
29 as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or  
30 student serving on an official committee, such as a disciplinary or grievance committee,  
31 or assisting another school official in performing his or her tasks.  
32

33 A school official has a legitimate educational interest, if the official needs to review an  
34 education record in order to fulfill his or her professional responsibility.  
35

36 Upon request, the District discloses education records, without consent, to officials of  
37 another school district in which a student has enrolled or intends to enroll, as well as to  
38 any person as specifically required by state or federal law. Before information is  
39 released to individuals described in this paragraph, the parent(s)/guardian(s) will receive  
40 written notice of the nature and substance of the information and an opportunity to  
41 inspect, copy, and challenge such records. The right to challenge school student records  
42 does not apply to: (1) academic grades of their child, and (2) references to expulsions or  
43 out-of-school suspensions, if the challenge is made at the time the student’s school  
44 student records are forwarded to another school to which the student is transferring.  
45

1  
2 Disclosure is also permitted without consent to: any person for research, statistical  
3 reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified;  
4 any person named in a court order; and appropriate persons if the knowledge of such  
5 information is necessary to protect the health or safety of the student or other persons.  
6

7 4. **The right to a copy of any school student record proposed to be destroyed or**  
8 **deleted.**

9  
10 5. **The right to prohibit the release of directory information concerning the parent's/**  
11 **guardian's child.**

12  
13 Throughout the school year, the District may release directory information regarding  
14 students, limited to:

- 15 Student's name
- 16 Address
- 17 Telephone listing
- 18 Photograph (including electronic version)
- 19 Date and place of birth
- 20 Major field of study
- 21 Dates of attendance
- 22 Grade level
- 23 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- 24 Participation in officially recognized activities and sports
- 25 Weight and height of members of athletic teams
- 26 Degrees
- 27 Honors and awards received
- 28 Most recent educational agency or institution attended

29  
30  
31 *Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the*  
32 *above information by delivering written objection to the building principal within ten*  
33 *(10) days of the date of this notice. No directory information will be released within this*  
34 *time period, unless the parent(s)/guardian(s) or eligible student are specifically informed*  
35 *otherwise. When a student transfers, leaves the District, or graduates, the school must*  
36 *continue to honor a decision to opt-out, unless the parent or student rescinds the decision.*  
37  
38

39 A parent or student 18 years of age or an emancipated student, may not opt out of directory  
40 information to prevent the district from disclosing or requiring a student to disclose their  
41 name [identifier, institutional email address in a class in which the student is enrolled] or  
42 from requiring a student to disclose a student ID card or badge that exhibits information that  
43 has been properly designated directory information by the district in this policy.  
44

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

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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

**STUDENTS**

1 Student Records

2  
3 Maintenance of School Student Records

4  
5 The District maintains two (2) sets of school records for each student – a permanent record and a  
6 cumulative record.

7  
8 The permanent record will include:

- 9  
10       Basic identifying information  
11       Academic work completed (transcripts)  
12       Level of achievement (grades, standardized achievement tests)  
13       Immunization records (per § 20-5-506, MCA)  
14       Attendance record  
15       Statewide student identifier assigned by the Office of Public Instruction

16  
17  
18 Each student’s permanent file, as defined by the board of public education, must be permanently  
19 kept in a secure location.

20  
21 The cumulative record may include:

- 22  
23       Intelligence and aptitude scores  
24       Psychological reports  
25       Participation in extracurricular activities  
26       Honors and awards  
27       Teacher anecdotal records  
28       Verified reports or information from non-educational persons  
29       Verified information of clear relevance to the student’s education  
30       Information pertaining to release of this record  
31       Disciplinary information  
32       Camera footage only for those students directly involved in the incident

33  
34 Information in the permanent record will indicate authorship and date and will be maintained in  
35 perpetuity for every student who has been enrolled in the District. Cumulative records will be  
36 maintained for eight (8) years after the student graduates or permanently leaves the District.  
37 Cumulative records which may be of continued assistance to a student with disabilities, who  
38 graduates or permanently withdraws from the District, may, after five (5) years, be transferred to  
39 the parents or to the student if the student has succeeded to the rights of the parents.

40  
41 The building principal will be responsible for maintenance, retention, or destruction of a  
42 student’s permanent or cumulative records, in accordance with District procedure established by  
43 the Superintendent.  
44

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Access to Student Records

The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless of the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or not otherwise involved in the underlying matter.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student’s school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one’s request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with internal Revenue Service regulations.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

STUDENTS

- 1
- 2 3. The District may grant access to or release information from student records without
- 3 prior written consent to school officials with a legitimate education interest in the
- 4 information. A school official is a person employed by the district in an administrative,
- 5 supervisory, academic or support staff position (including but not limited to
- 6 administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the
- 7 board of trustees. A school official may also include a volunteer or contractor not
- 8 employed by the district but who performs an educational service or function for which
- 9 the District would otherwise use its own employees and who is under the direct control of
- 10 the district with respect to the use and maintenance of personally identifying information
- 11 from education records, or such other third parties under contract with the District to
- 12 provide professional services related to the District’s educational mission, including, but
- 13 not limited to, attorneys and auditors. A school official has a legitimate educational
- 14 interest in student education information when the official needs the information in order
- 15 to fulfill his or her professional responsibilities for the District. Access by school
- 16 officials to student education information will be restricted to that portion of a student’s
- 17 records necessary for the school official to perform or accomplish their official or
- 18 professional duties.
- 19
- 20 4. The District may grant access to or release information from student records without
- 21 parental consent or notification to any person, for the purpose of research, statistical
- 22 reporting, or planning, provided that no student or parent can be identified from the
- 23 information released, and the person to whom the information is released signs an
- 24 affidavit agreeing to comply with all applicable statutes and rules pertaining to school
- 25 student records.
- 26
- 27 5. The District may grant release of a child’s education records to child welfare agencies
- 28 without prior written consent of the parents.
- 29
- 30 6. The District will grant access to or release information from a student’s records pursuant
- 31 to a court order.
- 32
- 33
- 34 7. The District will grant access to or release information from any student record, as
- 35 specifically required by federal or state statute.
- 36
- 37 8. The District will grant access to or release information from student records to any person
- 38 possessing a written, dated consent, signed by the parent or eligible student, with
- 39 particularity as to whom the records may be released, the information or record to be
- 40 released, and reason for the release. One (1) copy of the consent form will be kept in the
- 41 records, and one (1) copy will be mailed to the parent or eligible student by the
- 42 Superintendent. Whenever the District requests consent to release certain records, the
- 43 records custodian will inform the parent or eligible student of the right to limit such
- 44 consent to specific portions of information in the records.



STUDENTS

- 1
- 2 9. The District may release student records to the superintendent or an official with similar
- 3 responsibilities in a school in which the student has enrolled or intends to enroll, upon
- 4 written request from such official.
- 5
- 6 10. Prior to release of any records or information under items 5, 6, 7, and 8, and 9, above, the
- 7 District will provide prompt written notice to the parents or eligible student of this
- 8 intended action. This notification will include a statement concerning the nature and
- 9 substance of the records to be released and the right to inspect, copy, and challenge the
- 10 contents.
- 11
- 12 11. The District may release student records or information in connection with an emergency,
- 13 without parental consent, if the knowledge of such information is necessary to protect the
- 14 health or safety of the student or other persons. The records custodian will make this
- 15 decision, taking into consideration the nature of the emergency, the seriousness of the
- 16 threat to the health and safety of the student or other persons, the need for such records to
- 17 meet the emergency, and whether the persons to whom such records are released are in a
- 18 position to deal with the emergency. The District will notify the parents or eligible
- 19 student, as soon as possible, of the information released, date of the release, the person,
- 20 agency, or organization to whom the release was made, and the purpose of the release.
- 21
- 22 12. The District may disclose, without parental consent, student records or information to the
- 23 youth court and law enforcement authorities, pertaining to violations of the Montana
- 24 Youth Court Act or criminal laws by the student.
- 25
- 26 13. The District will comply with an ex parte order requiring it to permit the U.S. Attorney
- 27 General or designee to have access to a student's school records without notice to or
- 28 consent of the student's parent(s)/guardian(s).
- 29
- 30 14. The District charges a nominal fee for copying information in the student's records. No
- 31 parent or student will be precluded from copying information because of financial
- 32 hardship.
- 33
- 34 15. A record of all releases of information from student records (including all instances of
- 35 access granted, whether or not records were copied) will be kept and maintained as part
- 36 of such records. This record will be maintained for the life of the student record and will
- 37 be accessible only to the parent or eligible student, records custodian, or other person.
- 38 The record of release will include:
- 39
- 40 a. Information released or made accessible.
- 41 b. Name and signature of the records custodian.
- 42 c. Name and position of the person obtaining the release or access.
- 43 d. Date of release or grant of access.
- 44 e. Copy of any consent to such release.

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Directory Information

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

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

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

Military Recruiters/Institutions of Higher Education

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

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

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

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Student Record Challenges

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

The hearing required by 34 CFR 99.21 must meet, at a minimum, the following requirements:

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

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefore;
- 

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

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
	§ 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
	10.55.910, ARM      Student Discipline Records

Procedure History:

Promulgated on: February 2007  
Revised on: July 2013, January 2016, March 2020

**STUDENTS**

- 1
- 2 January 2016 revision note: added reference to parents retaining access to student records past
- 3 age of majority if the student is a dependent of the parent. Also compared our policy with the
- 4 full MTSBA recommended policy and added information we were missing.

**STUDENTS**

Transfer of Student Records

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file – that is, name and address of a student, name of parent or legal guardian, date of birth, academic work completed, level of achievement (grades, standardized tests), immunization records, special education records, and any disciplinary actions taken against a student that are educationally related.

When the District cannot transfer records within five (5) days, the District will notify a requestor, in writing or electronically, and will provide reasons why the District is unable to comply with a five-(5)-day time period. The District also will include in that notice the date by which requested records will be transferred. The District will not refuse to transfer records because a student owes fines or fees.

Cross Reference:     3413             Student Immunization  
                          3600 - 3600P   Student Records

Legal Reference:     § 20-1-213, MCA     Transfer of school records

Policy History:

Adopted on: February 2007

Revised on:

STUDENTS

3608

1 Receipt of Confidential Records

2

3 Pursuant to Montana law, the District may receive case records of the Department of Public  
4 Health and Human Services and its local affiliate, the county welfare department, the county  
5 attorney, and the court concerning actions taken and all records concerning reports of child abuse  
6 and neglect. The District will keep these records confidential as required by law and will not  
7 include them in a student’s permanent file.

8

9 The Board authorizes the individuals listed below to receive information with respect to a  
10 District student who is a client of the Department of Public Health and Human Services:

11

- 12 • District Superintendent
- 13 • High School Principal
- 14 • High School Counselor

15

16 When the District receives information pursuant to law, the Superintendent will prevent  
17 unauthorized dissemination of that information.

18

19

20

21 Cross Reference: 3600 - 3600P Student Records

22

23 Legal Reference: § 41-3-205, MCA Confidentiality – disclosure exceptions

24

25 Policy History:

26 Adopted on: February 2007

27 Revised on:

1 Programs for At-Risk/Disadvantaged Students

2  
3 The District will designate one (1) at-risk coordinator to collect and disseminate data regarding  
4 dropouts in the District and to coordinate the District’s program for students who are at high risk  
5 of dropping out of school.

6  
7 Each school year in September, the at-risk coordinator will prepare a dropout reduction plan that  
8 identifies:

- 9  
10 1. The number of District students who dropped out in the preceding regular school term;  
11  
12 2. The number of students in grades 9-12 who are at risk of dropping out;  
13  
14 3. The District’s dropout rate goal for the next school year;  
15  
16 4. The dropout reduction programs, resources, and strategies to be used during the school  
17 year.

18  
19 The Board will review and approve the plan, at the regular October Board meeting, and will  
20 make it available to the public.

21  
22 The District is not required to prepare a dropout reduction plan if fewer than five percent (5%) of  
23 its students are identified as “at risk” of dropping out.

24  
25 At-Risk Students

26  
27 In determining whether a student is at high risk of dropping out of school, the District will  
28 consider the student’s academic performance as well as whether the student is adjudged  
29 delinquent; abuses drugs or alcohol; is a student of limited English proficiency; receives  
30 compensatory or remedial education; is sexually, physically, or psychologically abused; is  
31 pregnant; is a slow learner; enrolls late in the school year; stops attending school before the end  
32 of the school year; is an underachiever; is unmotivated; or exhibits other characteristics that  
33 indicate the student is at high risk of dropping out of school.

34  
35 Programs and District Plan

36  
37 The District will provide a remedial and support program for any student who is at risk of  
38 dropping out of school.

39  
40 The District will have a plan designed to retain students in a school setting. The District plan  
41 will be the responsibility of the Superintendent or the designated at-risk coordinator and will:

- 42  
43  
44 1. Emphasize a comprehensive team approach that includes the Superintendent, principal,

- 1 parent/guardian, teacher, student, community service provider, business representative, or others;  
2  
3 2. Include objectives designed to meet the identified needs of at-risk students and to retain  
4 those students in school;  
5  
6 3. Be designed to use community resources that are available to serve at-risk youth;  
7  
8 4. Provide for parental involvement, such as participation in developing student academic  
9 plans and training programs for parents; and  
10  
11 5. Provide for review of individual profiles for at-risk students.  
12

13 The District plan may also:

- 14  
15 1. Include alternatives; and  
16  
17 2. Provide for the referral of students who drop out to programs such as adult basic  
18 education, Job Training Partnership Act programs, or other options.  
19

20 Policy History:

21 Adopted on: February 2007  
22 Revised on: February 15, 2011



**STUDENTS**

3612

Page 1 of 2

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

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 of 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 on-line. 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, 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

STUDENTS

- 1 password or some other user identifier that misleads message recipients into believing
- 2 that someone other than you is communicating, or otherwise using his/her access to the
- 3 network or the Internet; uploading a worm, virus, other harmful form of programming or
- 4 vandalism; participating in “hacking” activities or any form of unauthorized access to
- 5 other computers, networks, or other information.
- 6 C. Uses that jeopardize the security of student access and of the computer network or other
- 7 networks on the Internet.
- 8 D. Uses that are commercial transactions. Students and other users may not sell or buy
- 9 anything over the Internet. Students and others should not give information to others,
- 10 including credit card numbers and social security numbers.

Warranties/Indemnification

11

12

13 The District makes no warranties of any kind, express or implied, in connection with its provision of

14 access to and use of its equipment, computer networks, and the Internet provided under this policy.

15 The District is not responsible for any information that may be lost, damaged, or unavailable when

16 using the equipment, network, or for any information that is retrieved or transmitted via the Internet.

17 The District will not be responsible for any unauthorized charges or fees resulting from access to the

18 Internet. Any user is fully responsible to the District and will indemnify and hold the District, its

19 trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages

20 resulting from such user’s access to its equipment, computer network, and the Internet, including but

21 not limited to any fees or charges incurred through purchase of goods or services by a user. The

22 District expects a user or, if a user is a minor, a user’s parents or legal guardian to cooperate with the

23 District in the event of its initiating an investigation of a user’s use of access to its equipment,

24 computer network, and the Internet.

Violations

25

26

27

28 Violation of this policy will result in a loss of access and may result in other disciplinary or legal

29 action. The principal will make all decisions regarding whether or not a user has violated this policy

30 and any related rules or regulations and may deny, revoke, or suspend access at any time.

Policy History:

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34 Adopted on: February 2007

35 Revised on: January 2016, May 2022

36

37

38 January 2016 revision note: Substantially revised policy. Moved use rules and agreement to a

39 new 3612F – student forms. Added Warranties/Indemnification section and Violations section.

1 **INTERNET ACCESS CONDUCT AGREEMENT**

2  
3 *Every student, regardless of age, must read and sign below:*

4  
5 I have read, understand, and agree to abide by the terms of the Jefferson High School District’s policy  
6 regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks (Policy  
7 No. 3612). Should I commit any violation or in any way misuse my access to the District’s equipment,  
8 computer network, and/or the Internet, I understand and agree that my access privilege may be revoked  
9 and school disciplinary action may be taken against me including payment of costs associated with  
10 damaged equipment.

11  
12 User’s Name (Print): \_\_\_\_\_ Home Phone: \_\_\_\_\_  
13 User’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
14 Address: \_\_\_\_\_

15  
16 Status: I am 18 or older \_\_\_\_ I am under 18 \_\_\_\_

17  
18 If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will  
19 continue to be in full force and effect and agree to abide by this policy.

20  
21 **Parent or Legal Guardian.** (If applicant is under 18 years of age, a parent/legal guardian must also  
22 read and sign this agreement.) As the parent or legal guardian of the above-named student, I have  
23 read, understand, and agree that my child shall comply with the terms of the District’s policy  
24 regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks  
25 for the student’s access to the District’s equipment, computer network, and/or the Internet. I  
26 understand that access is being provided to the students for educational purposes only. However, I  
27 also understand that it is impossible for the school to restrict access to all offensive and controversial  
28 materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing  
29 this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators,  
30 teachers, and other staff against all claims, damages, losses, and costs, of whatever kind, that may  
31 result from my child’s use of or access to such networks or his/her violation of the District’s policy.  
32 Further, I accept full responsibility for supervision of my child’s use of his/her access account if and  
33 when such access is not in the school setting. I hereby give my child permission to use the building-  
34 approved account to access the District’s computer network and the Internet. I understand any  
35 negligence arising out of my student’s use of equipment or networks shall be attributed to me as  
36 comparative negligence within the meaning of Section 27-1-702, MCA. I further accept any costs to  
37 repair or replace damages to equipment or networks in accordance with Section 20-5-202, MCA.

38  
39 Parent/Legal Guardian (Print): \_\_\_\_\_  
40 Signature: \_\_\_\_\_  
41 Home Phone: \_\_\_\_\_ Address: \_\_\_\_\_  
42 Date: \_\_\_\_\_

43  
44 This Agreement is valid for the \_\_\_\_\_ school year only.

45  
46 Form History:  
47 Adopted on: January 2016

**Jefferson High School District #1**

**STUDENTS**

3612F  
Page 2 of 2

- 1 Revised on: May 2022
- 2 *Revision Note:*

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

2  
3 All use of equipment and electronic networks shall be consistent with the District's goal of  
4 promoting educational excellence by facilitating resource sharing, innovation, and communication.  
5 These procedures do not attempt to state all required or proscribed behaviors by users. However,  
6 some specific examples are provided. **The failure of any user to follow these procedures will**  
7 **result in the loss of privileges, disciplinary action, and/or appropriate legal action.**  
8

9 Terms and Conditions

- 10  
11 1. Acceptable Use – Access to the District's equipment and electronic networks must be: (a) for  
12 the purpose of education or research and consistent with the educational objectives of the  
13 District; or (b) for legitimate business use.
- 14 2. Privileges – The use of the District's equipment and electronic networks is a privilege, not a  
15 right, and inappropriate use will result in cancellation of those privileges. The system  
16 administrator (and/or principal) will make all decisions regarding whether or not a user has  
17 violated these procedures and may deny, revoke, or suspend access at any time. That decision  
18 is final.
- 19 3. Unacceptable Use – The user is responsible for his or her actions and activities involving the  
20 equipment and network. Some examples of unacceptable uses are:
- 21 A. Using the equipment and network for any illegal activity, including violation of copyright
  - 22 or other contracts, or transmitting any material in violation of any federal or state law;
  - 23 B. Unauthorized downloading of software, regardless of whether it is copyrighted or virus free;
  - 24 C. Downloading copyrighted material for other than personal use;
  - 25 D. Using the equipment or network for private financial or commercial gain.
  - 26 E. Wastefully using resources, such as file space;
  - 27 F. Hacking or gaining unauthorized access to files, resources, or entities;
  - 28 G. Invading the privacy of individuals, which includes the unauthorized disclosure,
  - 29 dissemination, and use of information of a personal nature about anyone;
  - 30 H. Using another user's account or password;
  - 31 I. Posting material authored or created by another, without his/her consent;
  - 32 J. Posting anonymous messages;
  - 33 K. Using the equipment or network for commercial or private advertising;
  - 34 L. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate,
  - 35 abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or
  - 36 illegal material; and
  - 37 M. Using the network while access privileges are suspended or revoked.
- 38
- 39 4. Network Etiquette – The user is expected to abide by the generally accepted rules of network  
40 etiquette. These include but are not limited to the following:
- 41 a Be polite. Do not become abusive in messages to others.
  - 42 b Use appropriate language. Do not swear or use vulgarities or any other
  - 43 c inappropriate language.
  - 44 d Do not reveal personal information, including the addresses or telephone numbers, of
  - 45 students or colleagues.

- 1 e Recognize that electronic mail (e-mail) is not private. People who operate the system
- 2 have access to all mail. Messages relating to or in support of illegal activities may be
- 3 reported to the authorities. Do not use the network in any way that would disrupt its use
- 4 by other users.
- 5 f Consider all communications and information accessible via the network to be private
- 6 property.
- 7
- 8 5. No Warranties – The District makes no warranties of any kind, whether expressed or implied,
- 9 for the service it is providing. The District will not be responsible for any damages the user
- 10 suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or
- 11 service interruptions caused by its negligence or the user’s errors or omissions. Use of any
- 12 information obtained via the Internet is at the user’s own risk. The District specifically denies
- 13 any responsibility for the accuracy or quality of information obtained through its services.
- 14
- 15 6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages,
- 16 including reasonable attorney fees, incurred by the District, relating to or arising out of any
- 17 violation of these procedures.
- 18
- 19 7. Security – Network security is a high priority. If the user can identify a security problem on
- 20 the Internet, the user must notify the system administrator or building principal. Do not
- 21 demonstrate the problem to other users. Keep your account and password confidential. Do
- 22 not use another individual’s account without written permission from that individual.
- 23 Attempts to log on to the Internet as a system administrator will result in cancellation of user
- 24 privileges. Any user identified as a security risk may be denied access to the network.
- 25
- 26 8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action.
- 27 Vandalism is defined as any malicious attempt to harm or destroy data of another user, the
- 28 Internet, or any other network. This includes but is not limited to uploading or creation of
- 29 computer viruses.
- 30
- 31 9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or
- 32 fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or
- 33 equipment or line costs.
- 34
- 35 10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the
- 36 republishing of text or graphics found on the Web or on District Websites or file servers,
- 37 without explicit written permission.
- 38
- 39 a. For each republication (on a Website or file server) of a graphic or text file that was
- 40 produced externally, there must be a notice at the bottom of the page crediting the
- 41 original producer and noting how and when permission was granted. If possible, the
- 42 notice should also include the Web address of the original source.
- 43 b. Students and staff engaged in producing Web pages must provide library media
- 44 specialists with e-mail or hard copy permissions before the Web pages are published.
- 45 Printed evidence of the status of “public domain” documents must be provided.

- 1 c. The absence of a copyright notice may not be interpreted as permission to copy the
- 2 materials. Only the copyright owner may provide the permission. The manager of the
- 3 Website displaying the material may not be considered a source of permission.
- 4 d. The “fair use” rules governing student reports in classrooms are less stringent and
- 5 permit limited use of graphics and text.
- 6 e. Student work may only be published if there is written permission from both the
- 7 parent/guardian and the student.
- 8

9 Internet Safety

- 10
- 11 1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet
- 12 safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these
- 13 procedures, and will otherwise follow these procedures.
- 14
- 15 2. Staff members shall supervise students while students are using District Internet access, to ensure
- 16 that the students abide by the Terms and Conditions for Internet access, as
- 17 contained in these procedures.
- 18
- 19 3. Each District computer with Internet access has a filtering device that blocks entry to visual
- 20 depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as
- 21 defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.
- 22
- 23 4. The district shall provide age-appropriate instruction to students regarding appropriate online
- 24 behavior. Such instruction shall include, but not be limited to: positive interactions with others
- 25 online, including on social networking sites and in chat rooms; proper online social etiquette;
- 26 protection from online predators and personal safety; and how to recognize and respond to
- 27 cyberbullying and other threats.
- 28
- 29 5. The system administrator and principal shall monitor student Internet access.
- 30

31 Legal Reference: Children’s Internet Protection Act, P.L. 106-554  
32 Broadband Data Services Improvement Act/Protecting Children in  
33 the 21<sup>st</sup> Century Act of 2008 (P.L. 110-385)  
34 20 U.S.C. § 6801, et seq. Language instruction for limited English  
35 proficient and immigrant students  
36 47 U.S.C. § 254(h) and (l) Universal service  
37  
38

39 Legal Reference:  
40

41 Policy History:

42 Adopted on: January 2016  
43 Revised on: May 2022  
44

45 *Revision Note:*

**STUDENTS**

3630

1 Cell Phones, Smart Phones, iPods and Other Electronic Equipment

2  
3 Student cell phones, smart phones, iPods and other electronic devices are permitted to be used during  
4 transition periods within the hallway setting.

5  
6 Upon entering the classroom, all devices must be set to silent (no vibration) and placed on the student  
7 desk in view of the classroom teacher. At no point during the classroom time is a student permitted to  
8 access his/her cell phone unless for use within the confines of the lesson with teacher permission. If  
9 the phone is in use during class time, it must be for educational purposes only.

10  
11 Cell phones, smart phones, iPods and other electronic devices are prohibited from use in all locker  
12 rooms and bathrooms at all times and places.

13  
14 Administration will develop guidance and discipline procedures as necessary for this policy.  
15 Such guidance and discipline procedures will be included in the student handbook.

16  
17 Policy History:

18 Adopted on: February 2007

19 Revised on: May 2013

20  
21 *Revision Notes: Policy was substantially revised to allow rather than prohibit cell phone use at*  
22 *school and establish parameters for such use.*



1 Pupil Online Personal Information Protection

2  
3 Compliance

4 The School District will comply with the Montana Pupil Online Personal Information Protection  
5 Act. The School District shall execute written agreements with operators who provide online  
6 applications for students and employees in the school district. The School District will execute  
7 written agreements with third parties who provide digital educational software or services,  
8 including cloud-based services, for the digital storage, management, and retrieval of pupil  
9 records. The written agreements will require operators and third parties to the School District for  
10 K-12 purposes or the delivery of student or educational services to comply with Montana and  
11 federal law regarding protected student information. All pupil records accessed by the operator  
12 or third party during the term of the agreement or delivery of service to the application will  
13 continue to be the property of and under the control of the school district.

14  
15 Operators of Online Applications

16 Operators providing online applications to the School District shall not target advertising to  
17 students, sell student information, or otherwise misuse student information. Operators shall not  
18 use information to amass a profile about a pupil, except in furtherance of K-12 school  
19 purposes. Operators shall not sell a pupil's information, including protected information unless  
20 authorized by law. Operators shall not disclose protected information unless the disclosure is  
21 made in accordance with School District policy, state or federal law, or with parent consent.  
22 Operators shall implement and maintain reasonable security procedures and practices appropriate  
23 to the nature of the protected information and safeguard that information from unauthorized  
24 access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected  
25 information if the school or district requests the deletion of data under the control of the school  
26 or district.

27  
28 Third Parties Providing Software and Services

29 Third parties providing digital education software and services to the School District shall certify  
30 that pupil records will not be retained or available to the third party upon completion of the terms  
31 of the agreement. Furthermore, third parties shall not use any information in pupil records for  
32 any purpose other than those required or specifically permitted by the agreement with the  
33 operator. Third parties shall not use personally identifiable information in pupil records to  
34 engage in targeted advertising.

35  
36 Third parties providing digital education software and services to the School District shall  
37 provide a description of the means by which pupils may retain possession and control of their  
38 own pupil-generated content. Third parties shall provide a description of the procedures by  
39 which a parent, legal guardian, or eligible pupil may review personally identifiable information  
40 in the pupil's records and correct erroneous information. Third parties shall provide a description  
41 of the actions the third party will take, including the designation and training of responsible  
42 individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide  
43 a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18  
44 years of age or older in the event of an unauthorized disclosure of the pupil's records;

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Failure to Comply and Legal Review

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

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

Cross Reference:     Policy 3600 – Student Records  
                              Policy 3650F- Model Agreement

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

Policy History:

Adopted on:   March 2020

Revised on:

*Revision Note:*