



BOZEMAN SCHOOL DISTRICT NO. 7
VIRTUAL MEETING VIA ZOOM
MONDAY -- January 25, 2021 -- 5:45 PM

Special Board Meeting

- 5:45 1. **Call to Order -- Roll Call -- Pledge of Allegiance** **No discussion on these items**
2. **BSD7 Experience**
- 2.1 **Student Representatives Report**
 - 2.2 **Board Education**
The Board Education Opportunity is a **15-minute** segment that allows our Board to receive an educational snippet of what is happening in our District.
 - 2.3 **Recognition and Awards**
3. **Public Comment on Non-Agenda Items**
Recognition of visitors and explanation of procedures to be followed when addressing the Board. Members of the community are given the opportunity to make brief comments to the Board on any matter that is not included in the agenda. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order.
4. **Action Items -- Consent**
- 4.1 **Policy 2nd Reading**
 - [4.1.1](#) Consider Approval of Revisions to Policies - #5000 Series
 - [4.1.2](#) Consider Approval of Universal Policy Update
 - [4.1.3](#) Consider Approval of New Emergency Policy - #1905, Face Coverings as Personal Protective Equipment
 - 4.2 **Minutes**
 - [4.2.1](#) Consider Approval of Board Meeting Minutes
 - 4.3 **High School District**
 - 4.4 **Both Districts**
 - 4.5 **Elementary District**
 - [4.5.1](#) Consider Admittance of Students for 2020-21 Enrollment Counts
 - [4.5.2](#) Consider K-2 Purchase of Superkids Core Reading Program for 2021-2022 School Year
5. **Board Discussion**
- 5.1 **Policy 1st Reading**
 - [5.2](#) **Legislative Update**
6. **Action Items -- Singular**
- 6.1 **Both Districts**
 - [6.1.1](#) Consider Approval of Title IX policies, referenced in the Title IX Summary Chart
 - [6.1.2](#) Consider Approval of Bozeman Education Association (BEA) MOU to extend collective bargaining
 - [6.1.3](#) Consider Approval of Bozeman Classified Employees Association (BCEA) MOU to extend collective bargaining
 - 6.2 **High School District**
 - [6.2.1](#) Consider Recommendation for High School Instructional Model
 - 6.3 **Elementary District**

[6.3.1](#) Consider Recommendation for PK-5 and Middle School Instructional Models

7. Reports

[7.1](#) Executive Cabinet Report

[7.2](#) Board of Trustees

Requests, Calendar, Concerns, Reports, Future Agenda Items, Open Meeting Topics for Next Meeting

_____ ADJOURN

The Board meeting will be held exclusively using Zoom. The Zoom format will provide for clearer two-way communication and maximize the number of people who can participate. There will not be an “on site in person” meeting.

[Zoom Meeting Link](#)

If you wish to participate, please go to the linked page on our website [HERE](#) to link into the meeting through Zoom. There are times when the technology is such that the link may need to be changed and we will ensure that the provided link works at least 30 minutes before the meeting and will update the link as necessary to ensure it works.

Public comment may be submitted electronically to trustees@bsd7.org

PLEASE TURN OFF CELL PHONES



Meeting Date:	January 25, 2021
Category:	Action Item - Consent - Policy 2nd Reading
Agenda Item #:	4.1.1
Originated By:	Pat Strauss, Director of Human Resources
Others Involved:	MTSBA; Trustee Willett

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Approval of Revisions to Policies - #5000 Series.

Facts:

1. First reading of the revised policies took place on January 11, 2021.
2. The policy revisions were developed by the Montana School Boards Association in collaboration with District Administrators and Board input.

Discussion:

1. The policy revisions as written are more succinct and reflect current practice.

Recommendation:

It is recommended that the Board of Trustees approve the policy updates.

Other Alternatives:

1. Do not approve the recommendation and request administration propose changes.

Bozeman Public Schools District Board of Trustees
Policy Review and Revision
Summary of Policy Series 5000 – Personnel

R = *Required*

REC = *Recommended*

OP = *Optional*

Existing Policy	Proposed Policy	Status		Kris Goss Notes	District Comments and Recommendations
5000			Goals	No Longer Needed	Delete PS – Agree with Change
	5002	<u>R</u>	Accommodating Individuals With Disabilities and Section 504 of the Rehabilitation Act of 1973		New PS-Adopt New Policy
5010	5010	<u>R</u>	Equal Employment Opportunity and Non-Discrimination		Revised PS-Adopt Revised Policy
5015	5015	<u>REC</u>	Bullying/Harassment/Intimidation		No Change PS-Agree with Policy
5021	5121		Applicability of Personnel Policies	Renumber combine into 5121	Revised PS-Agree with recommendations
5110	5120		Hiring Process and Criteria	Renumber to 5120	Revised PS-Agree with recommendations
5120	5120		Certification	Combine into 5120 revised	Revised PS-Agree with recommendations
5122	5122	<u>REC</u>	Fingerprints and Criminal Background Investigations	Revisions	Revised PS-Adopt as revised

	5125	<u>REC</u>	Whistle Blowing and Retaliation		New Policy PS-Adopt new policy
5130	5130	<u>REC</u>	Staff Health	Revised	Revised PS-Accept revisions
5140	5140	<u>REC</u>	Classified Employment and Assignment	Revised	Revised PS-Accept revisions
5150			Definition of Classified Personnel	Review for Necessity	Delete PS-Not necessary
5210	5210	<u>REC</u>	Assignments, Reassignments, Transfers	Update Combine with 5211	Revised PS-Accept Revisions
5212			Involuntary Transfer and reassignment	Delete	Delete PS-Accept recommendation
	5213	<u>OP</u>	Vacancies		Revised PS-Accept Revisions
5214		<u>OP</u>	Job Sharing Staff Members	Review for accuracy.	No Change
5215			Supervision of Classified Personnel	Review for necessity. Delete	Delete PS-Not necessary
5220		<u>REC</u>	Prohibition on Aiding Sexual Abuse		No Change
5221		<u>REC</u>	Work Day		No Change
5222	5222	<u>R</u>	Evaluation of Certified and Classified Staff		Revised PS-Accept Revisions

5223	5223	<u>REC</u>	Personal Conduct	Revised	Revised PS-Accept Revisions
5224	5224	<u>REC</u>	Political Activity	Revised	Revised PS-Accept Revisions
5225			Tobacco	Replaced by 8225	Delete PS-Accept recommendation
5226	5226	<u>REC</u>	Drug-Free Workplace	Delete, Combine with 5227	Delete PS-Accept revisions
5227			Assistance Program	Combine with 5226	Revised PS-Accept revisions
	5228	<u>R</u>	Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers	Consider adopting if District has employed bus drivers	Not Accepted PS-No necessary at this time
	5230	<u>OP</u>	Prevention of Disease Transmission		New PS-Adopt Policy
5230	5231	<u>REC</u>	Personnel Records	Renumber	Revised PS-Accept revisions
	5232	<u>REC</u>	Abused and Neglected Child Reporting		New PS-Adopt policy
5240			Resolution of Grievances	Delete	Delete
5250	5250	<u>REC</u>	Termination from Employment/Non-Renewal of Employment	Update. Portions moved to 5500.	Revised PS-Accept Revisions

5251	5251	<u>OP</u>	Resignations (Release from contract)	Update. Combine with current 5253/5252P	Revised PS-Accept Revisions
5252			Resignations	Delete	Delete
5253			Retirement Programs		No Change
	5254	<u>REC</u>	Payment of Employer Contributions and Interest on Previous Service		New PS-Adopt Policy
5255	5255	<u>REC</u>	Disciplinary Action		Revised PS-Accept revisions
5256	5256	<u>REC</u>	Reduction in Force		Revised PS-Accept revisions
5257			Employee Assistance Program	Review for Accuracy	No Change
5309			Probationary Period	Combine with 5140. Delete	Delete combine 5140 PS-Accept recommendations
5310			Compensation	Review for necessity.	No Change
5312			Military Credit	Review for accuracy and compliance with CBA	No Change
5314	5314	<u>REC</u>	Substitutes		Revised PS-Accept revisions
5315			Temporary Employees	Review for accuracy.	No Change

5320			FMLA	Renumbered at 5328	Renumber PS-Accept recommendations
5321	5321	<u>REC</u>	Leaves of Absence	Update. Combine 5325 and 5326	Revised PS-Accept recommendations
	5322	<u>REC</u>	Military Leave		New PS-Adopt Policy
5322			Sick Leave Bank	Delete. Combine 5321P	Delete PS-Accept Recommendations
5325			Civic Duty Leave	Delete. Combine 5321P	Delete Accept Recommendations
5324	5325	<u>R</u>	Breastfeeding Workplace	Renumber	Renumber PS-Accept Recommendation
5326			Personal Leave	Delete. Combine 5321	Delete PS-Accept Recommendation
5327			Extended Leave of Absence-Discretionary	Review for accuracy.	No Change
	5328	<u>R</u>	Family Medical Leave	Update. Renumber from 5320.	Revised PS-Accept recommendations
	5329	<u>REC</u>	Long-Term Illness/Temporary Disability Leave		Revised PS-Accept revisions
	5330	<u>REC</u>	Maternity	Adopt	New PS-Adopt Policy Revised Per First Reading

	5331	<u>REC</u>	Insurance Benefits for Employees		No Change
	5333	<u>REC</u>	Holidays		Revised PS-Accept revisions
	5334	<u>REC</u>	Vacations		Revised PS-Accept revisions
	5336	<u>R</u>	Fair Labor Standards Act	Update. Combine from 5321.	Revised PS-Accept recommendations
	5337	<u>REC</u>	Workers. Compensation Benefits		No Change
	5338	<u>REC</u>	Payment of Interest on Employer Contributions for Workers' Compensation Time		New PS-Adopt policy
5340			Professional Development	Review for accuracy	No Change
5342			Incentive Award System	Review for accuracy	No Change
5343			Interview and Moving Expenses	Review for accuracy	No Change
5410			Substitutes	Review and renumber 5314	Delete-Renumber 5314
5420/5420P	5420	<u>REC</u>	Paraprofessionals		Revised PS-Accept revisions

5430	5430	<u>REC</u>	Volunteers-Chaperones		Revised PS-Accept revisions
5440	5440	<u>REC</u>	Student Teachers/Interns		No Change
5450	5450	<u>REC</u>	Employee Use of Electronic Mail, Internet, Networks and District Equipment		No Change
5460	5460		Electronic Resources and Social Networking		No Change
	5500		Payment of Wages Upon Termination	Combine from 5250	No Change
5510	5510		HIPPA		Revised PS-Accept revisions
5630			Employee Use of Mobile Devices		New PS-Adopt Policy

PERSONNEL

5000

Board Goal/Personnel

~~The human resources of the District are valuable and significant in creating an effective educational program and learning environment. Schools function most efficiently and successfully when highly-qualified individuals are employed to staff the needs of the District.~~

~~Opportunities for staff development should be provided periodically.~~

~~Supervision is a necessary ongoing function of the District's leadership. The Board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential and the community will be proud of its investment.~~

~~Nothing contained in the policies or administrative procedures included herein is intended to limit or prevent the legal rights of the Board of Trustees or its agents.~~

PERSONNEL

5002

Accommodating Individuals With Disabilities and Section 504 of the Rehabilitation Act of 1973

It is the intent of the District to ensure that qualified employees with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate accommodations or other positive actions in assistance.

The District will not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment.

The Superintendent is designated the Section 504 and Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

- 1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District's final Title II self-evaluation document and keep it available for public inspection.*
- 2. Make information regarding Title II protection available to any interested party.*
- 3. Coordinating and monitoring the district's compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability.*
- 4. Overseeing prevention efforts to avoid Section 504 and ADA violations by necessary actions, including by not limited to, scheduling Section 504 meetings, implementing and monitoring Section 504 plans of accommodation and providing information to employees and supervisors.*
- 5. Implementing the district's discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment; and*

Investigating complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment.

The District's procedure for resolution of complaints alleging violation of this policy is set forth in Policy 1700.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

Policy History:

Adopted on:

Reviewed on:

Revised on:

PERSONNEL

5010

Equal Employment Opportunity, Non-Discrimination, and Sex Equity

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental disability. The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

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

Title: Director of Human Resources

Office address: 404 W. Main Street, Bozeman, MT 59715

Email: titleIX@bsd7.org

Phone number: (406) 522-6007

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

Title: Director of Special Education and Student Health

Office address: 404 W. Main Street, Bozeman, MT 59715

Email: 504coord@bsd7.org

Phone number: (406) 522-6075

Any individual may file a complaint alleging violation of this policy, Policy 5012/5012P – Sexual Harassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

All complaints about behavior that may violate this policy shall be promptly investigated.

Retaliation against an employee who has filed a discrimination complaint, testified, or participated in any manner in a discrimination investigation or proceeding is prohibited.

Legal Reference:

Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.
Genetic Information Nondiscrimination Act of 2008 (GINA)
Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq.; 29 C.F.R.,
Part 1601
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.; 34
C.F.R., Part 106
Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, et seq, MCA Human Rights Act
§ 49-2-303, MCA Discrimination in Employment
§ 49-3-102, MCA What local governmental units affected
§49-3-201, MCA Employment of state and local government
_____ personnel.

Policy History:

Adopted on:

Reviewed on:

Revised on:

Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices.

Definitions

- “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors, or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
- “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.
- “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
 - a. Physically harming an employee or damaging an employee’s property;
 - b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
 - c. Creating a hostile working environment.

Reporting

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

The complainant may be provided a summary of the findings of the investigation and, as appropriate, that remedial action has been taken.

Responsibilities

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties.

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference:	10.55.701(3)(g), ARM	Board of Trustees
	10.55.801(1)(d), ARM	School Climate

Policy History:

Adopted on:

Reviewed on:

Revised on:

Hiring Procedures

The personnel employed by the District constitute the most important resource for effectively conducting quality education programs which serve the needs and interests of students. Important contributions to a successful education program are made by all staff members.

The goals of the District's employment policy shall include the following:

1. To hire and retain highly competent staff.
2. To provide for strategies and procedures that ensure an equitable and efficient employment process. Such strategies and procedures will address personnel recruitment, screening, and selection of candidates.
3. To base selection of candidates on their job-related competencies and qualifications to fulfill the job responsibilities and without regard to race, color, sex, religion, national origin, age or any other illegal basis for discrimination.
4. To strive for equitable employment where minorities and males or females are under-utilized within the District.

The Superintendent is authorized to develop procedures to accomplish these goals. The Superintendent will inform the Board of changes made to this policy's procedures prior to their implementation.

In the event of a Superintendent vacancy, the Board will devise an appropriate procedure.

Hiring Process and Criteria

The Board and Superintendent/administrator will determine the screening and hiring process upon the existence of each vacancy. The District will hire personnel appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans' preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a fingerprint/criminal background investigation. The Superintendent will keep any conviction record confidential as required by law and District policy. The district will create a determination sheet from the criminal history record. The determination sheet will be kept on file at the District Office. The Criminal History Record will be retained on file at the District Office according to law. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

The District requires contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role

to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

Since the teacher is also required to present his/her certificate to the County Superintendent, the certificate shall be presented to the Human Resources department after it has been presented to the County Superintendent of Schools.

The Human Resources office shall register all certificates, noting the class and endorsement, and updating the permanent record card as necessary. In addition, the Human Resources office will retain a copy of each contracted certificated employee's valid certificate in the employee's personnel file.

Reference Checks

The Board authorizes the Superintendent or the Superintendent's designee to inquire of past employers about an applicant's employment on topics including but not limited to: title, role, reason for leaving, work ethic, punctuality, demeanor, collegiality, putting the interests of students first, and suitability for the position in the District. Responses to these inquiries should be documented and considered as part of the screening and hiring process.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

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

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 4/12/93, 11/9/87, 11/11/91, 2/22/99, 12/13/99, 01/22/07

Applicability of Personnel Policies

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

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

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

Legal Reference:	§ 39-31-102, MCA	Chapter not limit on legislative authority
	ARM 10.55.701(d)	Board of Trustees

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on:

Fingerprints and Criminal Background Investigations

It is the policy of the Board that any applicant recommended for employment to a paid position with the District involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint-based criminal background investigation conducted by the appropriate law enforcement agency. Any recommendation for employment or appointment shall be contingent upon results of the fingerprint-based criminal background check, which must be acceptable to the Superintendent or designee, in his/her sole discretion.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who shall decide whether the applicant shall be declared eligible for appointment or employment in a manner consistent with the expectations and standards set by the board.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified employee seeking full- or part-time employment with the District;
- A non-certified or classified employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and Substitute teachers.

The re-dissemination or transfer of criminal background reports may be done upon the written request or authorization of the applicant in accordance with the accompanying procedures.

Legal Reference: § 44-5-301, MCA Dissemination of public criminal justice information
 § 44-5-302, MCA Dissemination of criminal history record information that is not public criminal justice information
 § 44-5-303, MCA Dissemination of confidential criminal justice information – procedure for dissemination through court
 10.55.716, ARM Substitute Teachers
 Public Law 105-251, Volunteers for Children Act
 ARM 10.57.201A(6)
 ARM 10.57.201A(3)
 ARM 10.57.107

Cross Reference: Board Policy 5430, Volunteers

Policy History: Adopted: Revised:

Whistleblowing and Retaliation

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

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

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

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

: Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.

: Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,

: Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

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

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

The District will exercise reasonable efforts to:

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

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

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

Staff Health

Medical Examinations

~~It shall be the policy of the Bozeman Public Schools, District No. 7, to accord with the Montana Law, Section 39-2-301 M.C.A., which stipulates that "It shall be unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records of such examination as a condition of employment." A school district is an employer within the meaning of 39-2-301(2) M.C.A.~~

~~School districts as "employers" are deemed responsible for the cost of a "certificate of a licensed physician attesting to" the satisfactory health of their teachers or applicants for their teaching positions as required for certification under 20-4-104(1) M.C.A., or for any other certification of physical or mental wellness as may be deemed appropriate to request or require of any employee(s).~~

~~Where a requirement for medical certification is imposed upon an applicant or employee of the district by state regulation, the district shall not be obligated to pay for such certification.~~

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

Physical Examinations

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee's ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

Communicable Diseases

The term “communicable disease” refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.

If a staff member has a communicable disease, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee’s primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Cross Reference: 5005 Section 504 of the Rehabilitation Act

Legal Reference: 29 U.S.C. § 794, et seq. Section 504 of the Rehabilitation Act
42 U.S.C. § 12101, et seq. Americans with Disabilities Act
29 CFR, Part 1630.14(c) Examination of employees
Title 49, Chapter 2, MCA Illegal Discrimination
Title 49, Chapter 4, MCA Rights of Persons With Disabilities
§ 20-10-103(4), MCA School bus driver qualifications
37.111.825, ARM Health Supervision and Maintenance

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 12/14/87

Bozeman Public Schools

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Employee ContractsClassified Employment and Assignment

Each classified employee will be employed under a written contract of employment for a specific term with a beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has satisfied the requisite probationary period of six months or as defined in the Negotiated Agreement or in individual contracts.

The objective of a probationary period is to afford time to assess the employee's abilities to perform the required job duties; to assess the employee's conduct on the job; and to determine if the employee should be retained beyond the probationary period. During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Should the employee satisfy the probationary period, such employee shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee's duties, assignment, supervisor, or grade. Each permanent classified employee shall receive a letter of initial notification of employment signed by the Executive Director of Personnel and thereafter shall receive a Change of Status Form for any changes in employment conditions affecting the employee's hours, assignment, supervisor, hourly rate or grade.

~~Upon the recommendation of the Superintendent, employment of selected classified staff may be in writing for a specific period of time not to exceed one year. Otherwise, the employment of classified staff shall be on an at-will basis commencing from the first day of work, except that a minimum of two weeks' notice shall be given for termination of employment except where dismissal is for cause and except where an employee has probationary status (20-4-201, M.C.A.; 10-55-202(5) A.R.M.).~~

Each employee, permanent or otherwise, shall be informed by the personnel office as to who his/her supervisor is. The right of assignment, reassignment or transfer shall remain that of the district.

The Board will determine salary and wages for classified personnel.

Certified Employee Contracts

The Board of Trustees shall contract with each certificated staff member. Such contract shall be in conformity with state and federal statutes, the policies and negotiated agreements of the district. The contract shall be binding on the district and on the staff member and may not be abridged or abrogated during its term by either party except by mutual consent or as may be provided elsewhere in Board policy, in negotiated agreements, or state or federal statutes.

Except for District Superintendent, the contracts for certificated staff shall be written for a period not to exceed one year and shall be executed in duplicate by the Chairman of the Trustees and the Clerk of the District, and by the teacher or specialist.

**If the employer does not establish a specific probationary period, the probationary period is presumed to be six months*

Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period
 § 39-2-912, MCA Exemptions
 §20-4-201 M.C.A. Employment of Teachers and Specialists by Contract
 §20-4-205(2) M.C.A. Notification of Tenure Teacher Reelection
 §20-4-206(2) M.C.A. Notification of Nontenure Teacher Reelection
 §10.55.203(5) A.R.M. Board of Trustees

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 1/25/93

PERSONNEL

5150

Classified Personnel - Definition of

~~The term classified personnel shall be defined for the purpose of this board policy as those non-exempt employees of the Bozeman Public Schools whose positions of employment do not require professional certification under the provisions of Montana School Law, but who are employed for hourly work. Classified positions of employment shall include secretaries, clerks, bookkeepers, typists, classroom instructional/library aides, custodians, maintenance workers, cooks, cafeteria workers, grounds keepers, and any other position that does not require certification or licensure under Montana School Law, and which is otherwise non-exempt in status. When an employee is retained in both a classified and certified position during the course of a year, the provisions of the classified personnel policies shall apply to the employee's performance of duties in the classified employee's position.~~

~~All employees retained in a classified position (classified employee), shall be defined as "classified personnel" for the purpose of these board policies. (Separate negotiated agreements are in effect for Educational Support Team, Custodians, and Food Service Personnel).~~

~~The superintendent is authorized to adopt administrative regulations necessary to carry out the intent of the "Classified Personnel" board policy to provide for an impartial treatment of all employees, consistent with good personnel practices. All rules and regulations, board policies and administrative procedures shall be available to employees in the main office of each building, the library of each building and the Personnel Department.~~

~~For the purposes of this policy, the classified personnel shall be categorized as Educational Support Team, Custodial, Food Service, and Miscellaneous Classified Personnel. The ESP category will include all personnel employed in a secretarial, clerical, accounting, or any other office operational capacity and all categories of teacher/library aides. The Custodial category will include all maintenance and facilities operation personnel. The Food Service category will include all classified personnel employed within the school lunch program except the bookkeeper who will be categorized with the Education Support Team and the van driver who will be categorized with the Custodial group. The Miscellaneous Classified Personnel will include all other employees of the district whose position does not require certification under Montana School Law, including temporary employees, noon aides, cross-walk attendants, and professional positions not requiring certification.~~

~~In addition to the above categories, classified personnel in these areas will be categorized on the basis of the conditions of the employment agreement. These categories are:~~

~~1. Full-time:~~

~~40 hours per week/52 weeks per year.~~

~~2. Seasonal Full-time:~~

~~40 hours per week but less than twelve months.~~

~~3. Permanent Part-time:~~

~~Less than 40-hour week but does normally work 20 hours or more a week and works more than six months in any twelve-month period.~~

~~4. Probationary:~~

~~Either a full-time, seasonal full-time, or permanent part-time employee in his/her first six months of employment by the school district. Other employees may be retained in this category at the discretion of the superintendent.~~

~~5. Temporary (as needed):~~

~~Employed on any basis but duration of employment is indefinite. Generally paid on an hourly rate basis; being "on-call."~~

~~A job or position description shall be developed for all ongoing regular positions filled by a classified employee. Each classified employee shall be evaluated a minimum of one time per year.~~

Policy History

Adopted: 12/08/86

Rev. 01/25/93, 06/11/19

Assignments, Reassignments, Transfers

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified and other Non-Certified Work Assignments

Authority and responsibility to assign work, evaluate performance and generally supervise non-certified, non-exempt classified staff shall accrue to the administrator in the District who has the supervisory responsibility for that position. The job description shall be considered by each administrator in assigning work and in evaluating performance, and the job description shall be periodically updated with the cooperative work of the Director of Personnel and the immediate supervisor of each position.

Teaching

Notice of their teaching assignments relative to grade level, building, classroom or workspace, and subject area will be given to teachers before the beginning of the school year.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.

~~All teachers shall be given notice of their teaching assignments relative to grade level, building and subject area, for the forthcoming year no later than the end of the school year. Beginning with the 1974-75 school term, all new employees of the District who accepted extracurricular activities as a contract obligation shall understand that "Continued employment will presuppose and necessitate doing both the teaching and the extracurricular assignment, and this combined assignment may be changed only by the consent of the Board."~~

~~When a teacher is re-elected, he/she may be assigned to the same position if circumstances permit. If a transfer is necessary, it will be within the teacher's teaching endorsement.~~

~~In the event that changes in assignments are necessary because of unforeseen circumstances, affected teachers and the Association, shall be given notice.~~

~~Rights of seeking vacancies and/or promotions, voluntary transfers or involuntary transfers may be found under provision of either or both of (a) negotiated agreements or employee handbooks, or (b) other personnel policies specifically adopted by the Board of Trustees. Generally, requests for transfers within teaching areas should be submitted to the Personnel Office in writing by March 1. Final placement of any employee will be made by the Superintendent.~~

~~Assignment and/or reassignment of teachers and all other personnel shall be a management function limited only by specific contractual language in negotiated agreements (10.55.303 ARM).~~

Extracurricular

~~The Bozeman Public Schools recognize fully that extracurricular activities are both an important part of a child's total educational experience and a major avenue for community involvement in the public school program. As a result, careful selection, employment, and retention of successful, qualified extracurricular sponsors and coaches are of utmost importance.~~

~~Beginning with the 1974/75 school term, all new employees contracted for extra-curricular assignments shall have those assignments made a part of their regular contract. Continued employment in the district will necessitate doing both the teaching and the extracurricular assignments. Should an extracurricular sponsor desire to be released from the extracurricular assignments, he/she may petition for such release. Releases will be granted only according to one of the procedures discussed in the following Administrative Procedures or as provided in the Negotiated Agreement between School District No. 7 and the Bozeman Education Association.~~

~~All extracurricular openings shall be announced by posting the opening within the School District at a minimum.~~

~~The selection of staff to fill extracurricular openings shall be in accordance with policy adopted by the Board of Trustees and the applicable Negotiated Agreement (see Hiring Procedures).~~

~~The Board of Trustees authorizes the administration to recommend for employment non-certified persons to supervise students in non-credit programs and extra-curricular activities provided that:~~

- ~~1. An annual notice to the district's certified employees has failed to fulfill the district's extracurricular needs.~~
- ~~2. Such non-certificated persons are determined by the administration of the district to be knowledgeable and competent in the activity's techniques and, where contact or interscholastic sports are concerned, in first aid and emergency procedures as it relates to extra-curricular participation. These competencies may be acquired through courses provided by universities and colleges, and/or through in-service programs arranged by the school district. Prior experience directly related to the required areas of competency may be used to satisfy this requirement.~~
- ~~3. The rules and regulations of the Montana High School Association do not prescribe that the position be filled by a member of the district's professional staff.~~

Voluntary Transfer

The district shall provide an opportunity for a staff member to apply for a transfer to another position if vacant. Factors considered when deliberating transfer requests shall include, but not be limited to:

- 1. The educational programs, instructional requirements and best interest of the district.*
- 2. The staff member's background and preparation for the position (qualifications, skills and abilities).*
- 3. The availability of other equally or better qualified applicants from within or outside the district.*

The superintendent shall be responsible for the final decision regarding transfers and work assignments of all staff members.

Legal Reference: *Bonner School District No. 14 v. Bonner Education Association, MEA-MFT, NEA, AFT, AFL-CIO, (2008) 2008 MT*
 § 20-4-402, MCA Duties of District Superintendent or County High School Principal
 10.55.602, ARM Definition of Internship
 10.55.607, ARM Internships

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on:

Involuntary Transfers or Reassignments

~~The right of assignment, reassignment and transfer shall remain that of the district. Written notice of a reassignment or involuntary transfer shall be given the employee.~~

~~Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the superintendent or his designee. When the staff member believes that the transfer or reassignment would be unjustified or unfair, he/she may appeal in compliance with established procedures for resolving complaints or grievances, but not to the hindrance of the district effecting the assignment, reassignment or transfer to a comparable type position.~~

~~Current collective bargaining agreements may interpose additional provisions with regard to involuntary transfers or reassignment.~~

Vacancies

When the district determines that a vacancy exists, that vacancy shall be posted ~~in each school building, or, during the summer, outside the Personnel Office~~ **using the district electronic recruitment software.** The current president of the respective bargaining groups, where appropriate, shall be notified of the vacancy.

Vacancies shall not exist until the building principal/department supervisor has reviewed the need for a potential position, completed a ~~"Vacancy Announcement,"~~ job posting requisition and the ~~"Vacancy Announcement"~~ requisition has been reviewed by the ~~Assistant~~ **Deputy** Superintendent(s), Superintendent and/or Personnel **Director of Human Resources.** New positions may not be opened without the specific approval of the Superintendent. Already-existing positions which become vacant must have, in the case of certified staff, the prior approval of the ~~Assistant Superintendent~~ **Director of Human Resources** before such positions will be announced in accordance with the district's Hiring Procedures. Already-existing classified positions must have the prior approval of the Director of Personnel **Human Resources** before the district's Hiring Procedures will be implemented.

Vacancies may be advertised in-district only or they may be advertised in-district and through the MSU Career Services, local public advertising and, where appropriate, if time permits, through a broader regional and/or national basis.

A vacancy may be limited to in-district advertising upon the recommendation of the building principal/department supervisor followed by the review and recommendation of the Personnel Director and final determination by the Superintendent.

Policy History:

Adopted on: 12/14/87

Reviewed on:12/24/2020

Revised on:

Job-Sharing Staff Members

A job-sharing assignment is the sharing of one full-time or nearly full-time regular position between two persons. The Superintendent shall be responsible for recommending to the Board those positions and persons where job-sharing would best meet the needs of the District.

The Superintendent shall be responsible for establishing job-sharing procedures, including but not limited to duties, salaries, responsibilities and benefits.

Job-sharing requests are generally initiated by one or more current employees. A request should first be discussed with the building principal or program supervisor. The supervisor will study the request and make a recommendation to the Personnel Director and the Superintendent.

The Board delegates to the Superintendent the right to:

1. Determine the number, if any, of job-sharing positions within the District.
2. Require both job-sharers to attend normal training seminars or required meetings at one-half normal compensation, such that the cost to the District is still only the cost for one full-time employee.
3. Change a job-sharing position to a non-job-sharing position.
4. Deny any staff member's request to change a job-sharing position to a non-job-sharing position or vice versa.
5. Require job-sharing staff members to choose to work full time or to terminate employment in the event of the termination or resignation of one of the job-sharing staff members. Another staff member or a new hire may replace a departing job-sharing staff member at the sole discretion of the Superintendent.

Those contingencies that may arise during the course of employment such as, but not limited to, the absence or resignation of one of the job-sharers, the computation of employment benefits, and the responsibilities to participate in staff meetings, meet jointly with parents, attend inservice activities and to serve on committees shall be discussed and set forth in a signed written agreement. This shall be completed by the Personnel Director. The purpose of the written agreement is to prevent potential conflicts and is not intended to discourage job sharing.

Policy History:

Adopted: 12/8/86

Revised: 3/3/03

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PERSONNEL

Classified Personnel - Supervision of

~~The general and overall supervision of classified personnel shall be the duty of the superintendent.~~

~~Under the direction of the superintendent, the direct supervision of work and assignments is delegated to appropriate managers. "Manager" is defined as the administrative staff member to whom the classified employee has been assigned for work purposes, most typically a principal.~~

~~The Personnel Department shall provide the superintendent and line managers assistance in record-keeping, classification procedures, position descriptions, hiring, and supervisory or evaluative techniques as requested.~~

Adopted: 12/8/86

Prohibition on Aiding Sexual Abuse

The district prohibits any employee, contractor or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546
45-2-302, MCA When accountability exists.

Policy History:

Adopted on: 12/10/18

Reviewed on:

Revised on:

Work Day

Length of Workday - Certified

The length of a work day for a certified employee shall be 7 1/2 hours for a full-time certified employee. The work day is generally exclusive of lunch and extracurricular assignments, but inclusive of preparation time and assigned duties. Other conditions pertaining to certified work day, preparation periods, lunches, etc. are found in the current collective bargaining agreement. Arrival time shall generally be one-half hour before classes begin or as directed by the building principal.

Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be an 8-hour per day/40-hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the district will be 7:30 a.m. to 4:30 p.m.

Breaks

A daily morning and afternoon rest period of fifteen (15) minutes shall be available to all full time, classified employees. Hourly personnel may take one fifteen (15) minute rest period for each four (4) hours that are worked in a day.

Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee's supervisor.

Legal Reference:	29 U.S.C. §§ 201 to 219	Fair Labor Standards Act of 1985
	29 C.F.R. Part 516, <i>et seq.</i>	Records to be kept by employers
	§ 39-3-405, MCA	Overtime compensation
	§ 39-4-107, MCA	State and municipal governments, and school districts
	10.65.103(2), ARM	Program of Approved Pupil Instruction-Related Days
	24.16.1006, ARM	Rest and Meal Periods

Policy History:

Adopted on: 12/8/86
Reviewed on: 12/23/2020
Revised on: 4/12/93, 3/3/03

PERSONNEL

R
5222

Evaluation of Non-Administrative Staff

Classified

It is the intent of the Board of Trustees of School District No. 7 that each classified employee be evaluated annually. The Superintendent will establish procedures to implement the classified employee evaluation process. Forms and procedures for this purpose have been devised and will be periodically reviewed and updated.

It is also the intent of the Board that probationary employees be evaluated in a written fashion not less than once prior to the conclusion of their probationary status. If there are deficiencies noted, probationary employees may be terminated without other notice.

The District's classified employee procedure encourages a narrative in support of exemplary performance and requires a narrative from the evaluator in the instance of deficiencies. It is expected that narratives will be precise, focused and based on prescribed duties and/or the job description, whether they be in the nature of a commendation or a constructive criticism.

Each classified staff member's job performance will be evaluated by the staff member's direct supervisor. The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Certified

The Board of Trustees of School District No. 7, desiring to improve instruction, has agreed to certain procedures found in full in the current collective bargaining agreement.

Evaluation of Tenure Teachers

~~A formal written evaluation shall be made for all tenure teachers at least every third year of employment.~~

Evaluation of Non-Tenure Teachers

~~At least two formal written evaluations shall be made for all non-tenure teachers each year. Subject to the June 1 notice requirements the trustees may nonrenew the employment of a nontenure teacher at the conclusion of the school fiscal year with or without cause.~~

Failure to Meet Written Recommendations/Dismissal

~~In the event that a teacher fails to meet the written recommendations for improvement, both the teacher and concerned administrators are referred to the current collective bargaining agreement, Article 7.7(b) as well as to applicable state law and the Montana Codes Annotated 20-4-204, 20-4-206 and/or 20-4-207 as is most appropriate. The parties are also referred to other Board policy pertaining to dismissal, termination or non-renewal of teacher services.~~

Legal Reference: 10.55.701(4)(a)(b), ARM

Board of Trustees

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 2/9/98

Personal Conduct

All employees are expected to maintain high standards of honesty, integrity, professionalism, decorum, and impartiality in the conduct of District business.

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

All employees shall maintain appropriate employee-student relationship boundaries in all respects, including but not limited to personal, speech, print, and digital communications. Failure to honor the appropriate employee student relationship boundary will result in a report to the Department of Public Health and Human Services and the appropriate law enforcement agency.

Weapons - The Bozeman Public Schools prohibit individuals from possessing or carrying weapons on school district property. This prohibition is adopted in accordance with the Gun-Free School Zone Act and Montana Code Section 45-8-361. *While on school property, employees shall not injure or threaten to injure another person; damage another's property or that of the District; or use, control, possess or transfer any weapon or any item that could be reasonably considered to be a weapon as defined in Policies 3310 and 3311. "School property" means within school buildings, in vehicles used for school purposes, or on grounds leased or owned by the school district.*

Conflict of Interest/Personal Gain In accordance with state law, an employee shall not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee's District duties. A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose the nature of the private interest which would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Confidentiality Employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties or learned as a result of the employee's participation in a closed (executive) session of the Board. Discretion should be used even within the school system's own network of communication and confidential information should only be communicated on a need to know basis.

Public Relations - Employees shall be courteous, considerate and prompt in dealing with and serving the public.

General Conduct - Administration and supervisors may set forth specific rules and regulations governing employees' conduct on the job within a particular building.

Alcohol and Other Drugs - Standards of conduct applicable to employees clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs on school premises or as part of any of its activities. Use of alcohol on school premises or as part of any of its activities involving students is prohibited. If an employee's job performance or behavior provides his/her supervisor reason to believe that he/she may be under the influence of drugs or alcohol and his/her faculties appear to be impaired on the job, or if there is bona fide evidence of drug or alcohol use on the job, the employee will be subject to discipline.

Mode of Dress - Administration and supervisors establish standards of appearance within their own areas.

Personal Visitors - An employee may receive personal visitors provided the visits are kept to a minimum in time and frequency and do not impede the employee or other employees from performing their jobs in an acceptable manner when classes are in session. All visitors in a school building should first report to the school's office.

Telephones/Email - Personal communications shall be made with discretion, and shall be brief so as to maintain district time resources and equipment for the conduct of district business. In no case shall any cost accrue to the district for personal calls.

- Disposition of Lost and Found - Lost and found articles or other property that appears in a district building will be disposed of as public property in accordance with the following instructions:
- a. The supervisor at each building will make a reasonable effort to identify the original owner of the property.
 - b. Failing to identify the original owner, the supervisor at each building will designate a charity to which unclaimed property will be transferred with appropriate memoranda of records to be kept at that site.
 - c. Items of unclaimed clothing may be judiciously recycled to students in need directly in the school(s) by the principal(s).
 - d. No such property, regardless of its source, may be appropriated as the personal property of a school district employee.

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

Cross Reference: Professional Educators of Montana Code of Ethics
3310 Student Discipline
3311 Firearms and Weapons
5232 Abused and Neglected Children

Legal Reference:	§ 20-1-201, MCA	School officers not to act as agents
	Title 2, Chapter 2, Part 1	Standards of Conduct
	§ 39-2-102, MCA	What belongs to employer
	§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
	§ 45-5-501, MCA	Definitions
	§ 45-5-502, MCA	Sexual Assault

Policy History: Adopted on: 12/8/86 Reviewed on: Revised on: 2/11/91, 3/3/03, 9/9/13

Political Activity

~~The Bozeman Public Schools recognizes its individual employees full rights of citizenship, including but not limited to, engaging in political activities; in accordance with and subject to 13-35-226 and 2-2-121 M.C.A, as amended.~~

~~An employee of School District No. 7 may seek an elective office provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available.~~

The Board recognizes its employees’ rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available.

In the event the staff member is elected to office, the employee may request a leave of absence without pay in accord with his/her relevant and most current negotiated agreement if so covered, or by written request subject to the approval of the superintendent otherwise. All leaves of absence without pay shall be approved at the discretion of the superintendent or his designee.

The District has in certain instances approved leave with pay for elective office, or appointive office at a state board. Generally this does not exceed fifteen (15) days per annum. Any pay or reimbursement beyond expenses must be reimbursed to the District. All such requests are approved by the superintendent and must be renewed annually.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

~~The District shall grant leave for active military service as prescribed by Montana statute. A leave request shall be submitted with an appropriate copy of orders.~~

Legal Reference:	5 U.S.C. § 7321	Hatch Act
	§ 39-2-104, MCA	Mandatory leave of absence for employees holding public office
	§ 13-35-226, MCA	Unlawful acts of employers and employees
	Title 2, Chapter 2, Part 1	Standards of Conduct

Policy History: Adopted on: 12/8/86 Reviewed on: Revised on: 01/10/05

HUMAN RESOURCESTobacco Free Policy

~~In the interest of having healthy employees and positive health role models for students, the Bozeman Public School District maintains tobacco free buildings and grounds. The following stipulations constitute the tobacco policy for the Bozeman Public Schools:~~

- ~~1. All school buildings and grounds are tobacco free. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.~~
- ~~2. The use of tobacco will not be allowed in school buildings and grounds nor will employees be allowed to use tobacco while on duty in the presence of students.~~
- ~~3. New employees of the District will be hired with the understanding that they will be directed not to use tobacco in school buildings or grounds.~~
- ~~4. Limitations or prohibitions on tobacco use are applicable to all hours.~~

Legal Reference: ~~§20-1-220, MCA, Use of tobacco product in public building or property~~
 ~~prohibited~~
 ~~§50-40-101, et seq., MCA, Montana Clean Indoor Air Act of 1979~~

Adopted: 7/27/87 Rev. 9/12/88, 2/11/91, 4/12/93, 6/10/96, 4/28/03

Drug-Free Workplace

~~In accordance with the Drug-Free Workplace Act of 1988, School District No. 7 intends that each school and the district as a whole be an environment free of drugs. Specifically, the district through its superintendent notifies its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any of the district's work places.~~

~~The district will inform employees about the dangers of drug abuse and about the district's employee assistance programs (reference policy #5257 and procedures #5257P). Further, the district supports all federal and state laws which might be applicable pertaining to drug abuse violations while committing itself to the exercise of appropriate due process and to promoting the appropriate counseling and rehabilitation of those who might have dependencies.~~

~~All employees working directly or indirectly with grants that involve federal monies will be required, as a condition of continued employment within the district, to:~~

- ~~1. Support the district's intent to maintain a drug-free environment.~~
- ~~2. Notify the superintendent or his designee of any drug statute conviction for a violation occurring in the work place no later than five days after such conviction.~~

~~Upon the superintendent or his designee being notified of any criminal conviction for a violation of drug statutes, the superintendent shall take appropriate administrative action~~

All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District, including employees possessing a “medical marijuana” card.
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is one that is:

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained; or
- Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and

- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including recommendation for termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Employee Chemical Use and Dependency

The Bozeman School District recognizes the use of illicit drugs and the unlawful possession and use of alcohol are illegal and harmful. Standards of conduct for staff of the District clearly prohibit the possession, use or distribution of illicit drugs and alcohol on school premises or as a part of any school sponsored activity. The use of mood-altering chemicals, including the abusive use of alcohol, and chemical dependency affect the lives of employees of the District and their families and represent an impairment to one's normal development, well-being and job performance.

In acknowledgement that chemical dependency is a treatable health problem, the District sponsors an Employee Assistance Program in an effort to provide staff with a system of support to deal with alcohol and other drug related issues, as well as with personal problems which may pose a threat to their health and well-being. The District's Employee Assistance Program will operate within the existing legal, financial and policy restraints. Necessary disciplinary actions up to and including termination and referral for prosecution will be imposed on staff who violate the District's standards of conduct. Consideration will be given those who are involved in the Employee Assistance Program and/or otherwise show a commitment to addressing their alcohol and/or other drug related issues.

Legal Reference: 41 U.S.C. §§ 702, 703, 706 Drug-free workplace requirements for
Federal grant recipients

Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.

Policy History: Adopted on: 4/24/89 Reviewed on: Revised on:

Prevention of Disease Transmission

All District personnel will be advised of routine procedures to follow in handling body fluids. These procedures, developed in consultation with public health and medical personnel, will provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. The procedures will follow standard health and safety practices. No distinction will be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The District will provide training on procedures on a regular basis. Appropriate supplies will be available to all personnel, including those involved in transportation and custodial services.

Policy History:

Adopted on:

Reviewed on:

Revised on:

PERSONNEL

5231

Personnel Records

The District maintains a complete confidential and permanent personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office, under the Superintendent's direct supervision. Access to personnel files shall be limited to the Superintendent and those administrators authorized by the Superintendent, to Personnel Office staff members, to the Board's legal counsel, and to the employee, the employee's signed designee, or the employee's legal counsel.

Employees will be given a copy of their personnel record upon request. An employee shall have the right, upon request, and during normal business hours, to review the contents of his/her personnel file in the presence of the Personnel Director or other authorized staff member.

The District may release public information regarding the professional qualifications, degrees, and experience of teachers and the qualifications of paraprofessionals to parents upon request. Access to other information is governed by Policy 4340.

Personnel records must be kept for 10 years after separation of employment.

Processed grievances shall not be a part of an employee's *personnel file*, but shall be kept apart from the personnel file.

Labor-management agreements may result in additional stipulations. The policies set forth here shall not supersede or negate stipulations of contract.

Personnel Records

~~The Bozeman School District conforms to law, judicial rulings, and federal and state regulations which safeguard both the public's right to know and certain privacy rights.~~

~~Specifically, it is the objective of this policy to establish record keeping practices in accordance with applicable sections of:~~

- ~~a. Article II, Section 9, Constitution of the State of Montana, titled "Right to Know;"~~
- ~~b. Article II, Section 10, Constitution of the State of Montana, titled "Right to Privacy;"~~
- ~~c. Title 2, Chapter 6, Montana Code Annotated, regarding public records and their management;~~
- ~~d. Office of Public Instruction Accreditation Standards and Administrative Regulations;~~
- ~~e. Chapter 1-1300, Montana Operations Manual, Volume I, regarding records management;~~
- ~~f. 1974 Federal Privacy Protection Study Commission.~~

Payroll and Employee Benefit Records

~~The public shall, upon request and with approval of the superintendent, have access to payroll and employee benefit records for any or all employees of the district. This shall include all compensation and participation in District benefit plans.~~

~~How an individual chooses to allocate compensation shall be a private concern.~~

~~Employee Job Applications, Qualifications and Status Information~~

~~The names of applicants for advertised vacancies may be released to the public upon request unless an applicant requests otherwise at the time of submitting an application. Statistical information that would normally be released to governmental agencies monitoring compliance will be made available upon request.~~

~~Regarding employee records or specific job applications, qualifications and status, the following information shall be privileged (not made public):~~

- ~~1. Past and present performance evaluations, employer criticism and observations~~
- ~~2. Military records~~
- ~~3. Health and medical status~~
- ~~4. I.Q. scores and performance tests~~
- ~~5. Convictions and/or prison records~~
- ~~6. Disabilities (including chemical dependency problems)~~
- ~~7. Family status or problems~~
- ~~8. Discussion of other employees which occur during a performance evaluation~~
- ~~9. Information compiled to explain absence from work or poor work performance~~
- ~~10. Other information most individuals would not willingly disclose publicly.~~

Cross Reference: 4340 Public Access to District Records

Legal Reference:	10.55.701(4), ARM	Board of Trustees
	§ 20-1-212(2), MCA	Destruction of records by school officer.
	§ 2-6-1001, MCA	Definitions

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on:

Bozeman Public Schools

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, shall report the matter promptly to the Department of Public Health and Human Services. Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member.

A District employee who makes a report of child abuse or neglect is encouraged to notify the building administrator of the report. An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the DPHHS may share information with that individual or others as permitted by law. Individuals in the District who receive information related to a report of child abuse or neglect shall maintain the confidentiality of the information.

Cross Reference: *5223 Personal Conduct*
 3225 Sexual Harassment of Students

Legal Reference: *§ 41-3-201, MCA* *Reports*
 § 41-3-202, MCA *Action on reporting*
 § 41-3-203, MCA *Immunity from liability*
 § 41-3-205, MCA *Confidentiality – disclosure exceptions*
 § 41-3-207, MCA *Penalty for failure to report*
 § 45-5-501, MCA *Definitions*
 § 45-5-502, MCA *Sexual Assault*

*Policy History:**Adopted on:**Reviewed on:**Revised on:*

~~Resolution of Staff Complaints/Grievances~~

~~School District No. 7 recognizes the importance of establishing reasonable and effective means for resolving difficulties which may arise among staff, to reduce potential areas of grievances and to establish and maintain recognized two-way channels of communication between supervisory personnel and staff.~~

~~The District intends to expedite the process for all concerned parties. Staff are urged to use the prescribed grievance procedures (negotiated in some instances) whenever they feel that a District action has aggrieved them. The procedures are established to secure a proper and equitable solution to a complaint at the lowest possible supervisory level and to facilitate an orderly procedure within which solutions may be pursued.~~

~~A grievance must be a claim by a staff member based upon alleged violation, misinterpretation or a misapplication of existing language within an appropriate collective bargaining agreement or within existing language of district policies and procedures. A grievance must cite the specific language allegedly violated, misinterpreted or misapplied, and a remedy must be identified that is suitable.~~

~~All documents, communications and records dealing with the processing of a grievance shall be maintained in a separate file and shall not be kept in the personnel file of the aggrieved.~~

~~Adopted: 12/8/86 Rev. 4/12/93~~

Termination or Non-Renewal of Employment/Dismissal from Employment

The termination, non-renewal or dismissal of certified staff and the termination or dismissal of classified staff shall be acted upon by the Board after receiving the recommendation of the Superintendent in conformity with State laws, negotiated agreements and District policies.

~~In accordance with 39-3-205 MCA, the final pay warrant for employees terminated for cause or laid off may be issued on the employee's next regular payday for the pay period that includes the last day the employee worked or to within 15 days from the date of separation, whichever occurs first.~~

~~If an employee is terminated by reason of an allegation of theft of property or funds connected to the employee's work, the District may withhold from the employee's final paycheck an amount sufficient to cover the value of the theft, provided:~~

- ~~1. The employee agrees in writing to the withholding; or~~
- ~~2. The District files a report of the theft with law enforcement within seven (7) business days of separation.~~

~~If no court charges are filed against the employee within thirty (30) days of the filing of the report with law enforcement, wages are due within a thirty-day period.~~

Cross Reference: 5140 Classified Employment and Assignment
 5255 Disciplinary Action

Legal Reference: § 20-3-324(2), MCA Trustee Powers and Duties
 § 20-4-204, MCA Termination of tenure teacher services
 § 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination.
 § 20-4-207, MCA Dismissal of teacher under contract
 § 39-2-912, MCA Exemptions to Wrongful Discharge from Employment Act

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 2/22/99, 2/10/03, 8/10/09

PERSONNEL

5251

Resignations

Certified and other contracted personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified employees or employees under contract from doing so; and (2) until such time as the Board through public action releases the certified or exempt individual from the terms of his/her contract upon the recommendation of the Superintendent.

Classified employees not under contract are expected to give due written notice that will permit the District to conduct a search for a suitable replacement. Generally speaking the Board of Trustees expects a two-week notice.

The Board authorizes the Superintendent or designee to accept on its behalf resignations from any District employee. The Superintendent or designee shall provide written acceptance of the resignation, including the date of acceptance, to the employee, setting forth the effective date of the resignation.

Once the Superintendent or designee has accepted the resignation, it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

All employees should complete and deliver a signed District Employee's Intent to Resign form to the supervisor and subsequently to the Director of Human Resources. Supervisors are responsible to see that employees who intend to leave the service of the District are notified of this obligation. This signed notice on the District form must be given with appropriate notice. An exit interview with the Director of Human Resources may be scheduled upon request from the employee or the Director of Human Resources. The Employee's Intent to Resign form will be provided to the Payroll Office and implemented systematically throughout the District.

~~All resignations are to be in writing in accordance with attached procedures.~~

~~Requests for resignations shall be transmitted to the Board of Trustees as part of the regular monthly personnel report. A resignation properly submitted to the Human Resources Director or the Superintendent may be considered a permanent separation of the employee from employment with the District effective upon receipt, notwithstanding that this resignation will be submitted to the Board of Trustees for acceptance at the next regularly scheduled meeting.~~

Certified and Contracted Employees

For certified employees, submitting a resignation will not imply automatic acceptance of the resignation if the contract has not been completed. Certified and other contracted employees are expected to complete the term of the contract except for compelling reasons. ~~Only the Board of Trustees can sever the contractual relationship.~~

Classified Employees

Appropriate notice, generally speaking two weeks, should be provided except for compelling reasons.

If less than two weeks' notice is given, the employee should walk the Employee's Intent to Resign form through the process, arriving at the Human Resources Office within hours of the announcement of intended resignation.

If a classified employee quits without notice or fails to return to work after the summer break, the supervisor of the vacant position needs to complete the Intent to Resign Form, make a notation on the form that no notice was given and forward the form to the Human Resources Office.

If an employee quits without appropriate notice to the District and without compelling reasons, a notation will be made in the employee's personnel file.

Release from Contract

~~It is recognized that from time to time it may be necessary for certain employees, including teachers, to request release from their contracts. Release from a classified contract will be accepted and recommended to the Board providing sufficient notice is provided and a resignation is submitted in writing on the appropriate School District form (in triplicate).~~

~~Requests for release from a teaching contract will be recommended to the Board for approval only after the following conditions have been met:~~

- ~~1. The request must be in writing (which shall generally provide reasons).~~
- ~~2. An appropriate replacement is available.~~
- ~~3. There will be no additional cost to the District.~~

~~Only the Board may approve release from a teaching contract, or for that matter the resignation from an extracurricular position accepted at the time of initial employment (after 1974-75).~~

Legal Reference: *Booth v. Argenbright*, 225 Mont. 272, 731 P.2d 1318 (1987)

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 1/25/93 2/22/99, 2/10/03

Resignations

~~Certified and other contracted personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified employees or employees under contract from doing so; and (2) until such time as the Board through public action releases the certified or exempt individual from the terms of his/her contract upon the recommendation of the Superintendent.~~

~~Classified employees not under contract are expected to give due written notice that will permit the District to conduct a search for a suitable replacement. Generally speaking the Board of Trustees expects a two-week notice.~~

~~All resignations are to be in writing in accordance with attached procedures.~~

~~Requests for resignations shall be transmitted to the Board of Trustees as part of the regular monthly personnel report. A resignation properly submitted to the Human Resources Director or the Superintendent may be considered a permanent separation of the employee from employment with the District effective upon receipt, not withstanding that this resignation will be submitted to the Board of Trustees for acceptance at the next regularly scheduled meeting.~~

Retirement Programs for Employees

All employees of the Bozeman Public Schools shall participate in the retirement programs under the Federal Social Security Act and either the Teachers’ Retirement System or the Public Employees’ Retirement System according to state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the superintendent in writing prior to April 1 of that year.

Those employees intending to retire who are not contractually obligated to complete the school year should notify the superintendent as early as possible and no less than sixty (60) days prior to their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

The Board of Trustees directs the Superintendent to develop procedures by which contributions shall be determined for previously unclaimed prior service.

Legal Reference:	Title 19, Chapter 1	M.C.A.	Social Security
	Title 19, Chapter 3	M.C.A.	Public Employees’ Retirement System
	Title 19, Chapter 4	M.C.A.	Teachers’ Retirement System

Adopted: 12/8/86 Rev. 1/25/93

Payment of Employer Contributions and Interest on Previous Service

A Public Employees' Retirement System (PERS) member may purchase: (1) all or a portion of the member's employment with an employer prior to the time the employer entered into a contract for PERS coverage; and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with the PERS Board to purchase all or a portion of the employment for service credit and membership service. The application must include salary information certified by the member's employer or former employer.

The District has the option to pay, or not to pay, the employer's contributions due on previous service and the option to pay, or not to pay, the outstanding interest due on the employer's contributions for the previous service.

It is the policy of this District to pay the employer's contributions due on previous service.

It is also the policy of this District to not pay the outstanding interest due on the employer's contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of this District.

If the District opts to not pay the employer's contributions due on previous service and/or the outstanding interest due on the employer's contributions for previous service, then the employee shall pay the amount not paid by the employer in order to receive service credit and membership service for the period of employment.

Legal Reference: § 19-3-505, MCA Purchase of previous employment with employer

Policy History:

Adopted on:

Reviewed on:

Revised on:

Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect school operations, may be subject to discipline. Behavior, conduct, or action that may call for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District's operation, or other legitimate reasons.

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor's right to reprimand an employee and the Superintendent or building principal's right to suspend an employee, without pay, or to impose other appropriate disciplinary sanctions. Disciplinary sanctions, including all forms of reprimands, will be documented and placed in the employees personnel file accordance with Policy 5231. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

~~Discipline shall be reasonably appropriate to the circumstances, and shall include but not be limited to the supervisor's right to reprimand and the Superintendent's right to reprimand or suspend with or without pay. Dismissal shall be instituted by the Board of Trustees upon the recommendation of the Superintendent. In case of dismissal of certified staff, applicable state statutes shall be followed. Due process as described below shall be afforded any individual being reprimanded, or suspended with or without pay.~~

The Superintendent or building principal is authorized to immediately suspend a staff member, with pay, in a non-disciplinary manner.

~~a. In the case of an oral reprimand, the employee shall be entitled to be told the supervisor's reasons for dispensing the oral reprimand and the employee shall be given the opportunity to present their side of the incident. The employee is not entitled to a hearing nor written notice of the meeting or of the charges/accusations leading to the oral reprimand.~~

~~b. Prior to receiving a written reprimand, the employee shall be entitled to a meeting with the supervisor in which the employee has the right to be notified in advance that discipline could result from the meeting and that the employee can bring a representative with them to the meeting. An employee can also submit a written response to the reprimand within ten days of receipt of the reprimand. The response will be attached to the reprimand in the employee's personnel file. Sufficient time to find a representative must be given the employee. Such level of discipline does not require a formal hearing nor written notice of the meeting.~~

~~c. The Superintendent is authorized to suspend a staff member immediately with pay pending investigation of charges. If a supervisor has recommended suspension with pay as the next progressive step to improve employee performance, the employee shall be entitled to a meeting with the Superintendent in which the employee has the right to be notified in advance that discipline could result from the meeting and that the employee can bring a representative with them to the meeting. An employee can also submit a written response to the suspension notification within ten days of receipt of the notification. The response will be attached to the notification in the employee's personnel file. Sufficient time to find a representative must be given the employee. Such level of discipline does not require a formal hearing nor written notice of the meeting.~~

~~d. In the case of suspension without pay, due process shall include a hearing with the Superintendent in which the employee has the right to be notified in advance that discipline could result from the meeting and that the employee can bring a representative with them to the meeting. An employee can also submit a written response to the suspension notification within ten days of receipt of the notification. The response will be attached to the suspension notification in the employee's personnel file. Sufficient time to find a representative must be given the employee. The Superintendent may suspend an employee for up to 5 work days without pay.~~

~~e. The suspension of an employee by the Superintendent, with or without pay, shall not impact or affect the employee's seniority pursuant to the employee's Collective Bargaining Agreement with the District.~~

Cross Reference	5250	Termination from Employment/Non-Renewal of Employment
Legal Reference:	§ 20-3-324, MCA	Powers and duties
	§ 20-4-204, MCA	Termination of tenure teacher services
	§ 20-4-207, MCA	Dismissal of teacher under contract
	§ 39-2-903, MCA	Definitions
	§ 45-8-361, MCA	Possession or allowing possession of a weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions.

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 06/14/93, 09/12/94

Reduction in Force

The Board has exclusive authority to determine the appropriate number of employees. A reduction in employees may occur as a result of but not be limited to changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board.

The Board will follow the procedure stated in the current collective bargaining agreement, if applicable, when considering a reduction in force. The reduction in employees will generally be accomplished through normal attrition when possible. The Board may terminate employees, if normal attrition does not meet the required reduction in force.

If no collective bargaining agreement covers the affected employee, the Board will consider needs of the students, employee performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

~~When the reduction, modification or elimination of programs and/or services necessitates a reduction in staff, the relevant and most current negotiated agreements shall be observed in accomplishing the reduction for each category of employee. The "most current negotiated agreement" is that agreement in force at the time of the administrative decision.~~

~~The number of employees working for the district is determined by the Board. Conditions under which a reduction in force takes place must and will be determined by the Board.~~

Cross Reference: 5250 Termination from Employment, Non-Renewal of Employment

Legal Reference: § 39-2-912, MCA Exceptions

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 06/14/93, 04/28/03

Employee Assistance Program

The Bozeman School District will provide an Employee Assistance Program that is intended to assist employees and their dependents in dealing with the personal problems that pose a threat to their health, well-being and/or possibly their jobs. The EAP may help with a wide range of problems employees face such as substance abuse, emotional problems, or other job-related or personal concerns. The scope of assistance will be limited to (1) initial assessment and referral; (2) up to three short-term counseling sessions with the District's external EAP coordinator; and (3) awareness/education services on the effects of drug/alcohol or other addictions, stress management and/or other areas of personal problems. Subsequent services which may be indicated may be partially covered by applicable provision of health insurance, with the employee being responsible for the cost of any remainder of services provided. Confidential assistance is made available through special arrangements by the District with a confidential external EAP coordinator. The external EAP coordinator will provide the three areas of assistance identified as the scope of this program. The external EAP coordinator will coordinate with the Human Resources Department of the School District. No services, beyond the three listed in this policy as the scope of this program, will be provided to employees except those specifically covered in the District's employee benefit plan for participating employees.

Implementation of this program will not require or result in any special regulations, privileges or exceptions from the standard job performance requirements. The Employee Assistance Program may be complementary to, but is not a substitute for, effective job performance.

Compensation and Pay Plans

Compensation--Basis of Salary

For certified employees the basis for calculating all salary shall be the face contract amount expressed in terms of full-time or a percentage thereof.

For non-exempt classified employees the base of pay is the hour. For 12-month employees only the method for calculating monthly salary will be the hourly rate x 2080 hours divided by 12 (which will be prorated to the percentage of employment). Full-time classified positions are 40 hours per week. All Classified employees shall submit a time sheet and an appropriate authorization shall be issued before the commencement of work and the payment of wages.

Specific compensation levels for various classifications of the Bozeman Classified Employees Association (BCEA) are found in the current collective bargaining agreement. The Superintendent will establish pay rates for other classified employees not covered by a negotiated agreement and for classified and certified substitutes.

Stipends are in addition to base salary.

Classification System for Bozeman Classified Employees Association

The Bozeman Public Schools BCEA Classification System is based on the development of an appropriate job description for each position, an audit of current responsibilities, interviews with employees, their supervisors and administrative personnel, investigation criteria for placement in similar positions in other organizations, and research of salaries in comparable positions in the Gallatin valley, and appropriate comparable organizations statewide.

The pay and benefit programs for BCEA positions within the Bozeman Public Schools were initially established on a competitive base developed by Management Associates through extensive consultation. The Board of Trustees directed the Superintendent to develop a “criteria performance test” (yardstick). This test matches responsibility, human relations aspects, energy, integrity and confidentiality, education and skills, fiscal responsibility, working environment and job market variables as major factors affecting job classification. It is the intent of the Board of Trustees that the District conform to this uniform format for classifying positions in order to allow systematic application of graded criteria as developed in the “criteria performance test.”

At the time a search for a vacancy commences, the job description for the position will be revised and reclassified if needed. Reclassification shall follow the procedure established by the Superintendent. Requests for reclassification of grade or length of contract shall be initiated by the supervisor of the position. Employees within this unit may request grade changes in accordance with the negotiated agreement. Requests shall be reviewed by a committee of at least three individuals, including the Superintendent, Assistant Superintendent and Director of Human Resources, and a bargaining unit officer.

Educational Service Experience

1. The Superintendent or his/her designee (~~Assistant~~ **Deputy** Superintendent(s) or Human Resources Director) will determine the applicable experience to be advertised for any vacancy.
2. Teachers shall accrue one full additional year of educational service on the salary schedule for each year in which they completed a minimum of 135 days of service. Part-time teachers will be given a full year of experienced credit for each full year of contract served (full year defined as a minimum of 135 days), irrespective of the part-time nature of the contract.
3. Participants in the Teacher Career Development Program will be granted a full year's experience on the salary schedule if the planned educational program contains teaching experience such as a graduate teaching assistantship. Teachers participating in the Teacher Career Development Program are in paid status even though it is in absentia.

Teachers participating in this program accrue a full year's credit on the seniority list.
4. Teachers on Leave Without Pay status will not accrue experience on the salary schedule nor will they accrue service for purposes of computing seniority.

Legal Reference:	39-3-104 M.C.A.	Equal Pay for Women for Equivalent Service
	39-3-404 M.C.A.	Minimum Wage

Adopted: 12/8/86 Rev. 7/12/93, 1/24/00, 10-25-04

Military Credit

New teachers will be allowed one-year credit on the salary schedule, for one or more years of military service where active service interrupts employment in the District.

Adopted: 12/8/86

Substitutes

The Superintendent or designee will regularly approve a list of acceptable substitutes that meet the guidelines as prescribed in this policy. Appearance on the substitute list does not guarantee employment.

The Board authorizes the use of substitute teachers that appear on the list to replace teachers who are temporarily absent. The principal or Human Resource Department shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for their own substitute. A substitute teacher may be employed to carry on a teacher's duties not to exceed 35 consecutive teaching days.

If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the District shall place a licensed teacher under contract or seek an emergency authorization of employment in accordance with Administrative Rules of Montana 10.57.107.

The Human Resources Director annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

All substitute teachers will be required to undergo fingerprint and background checks in accordance with all applicable laws and policies.

Pay Plan - Substitutes

Certified

~~The Board authorizes the administration to establish a substitute rate of pay. It shall be consistent among all schools within the Bozeman Public Schools.~~

Classified

~~The Board authorizes the administration to use a uniform substitute rate of pay for classified positions with the stipulation that the rate shall not be greater than the probationary entry level for the specific job classification.~~

Legal Reference: 10.55.716, ARM Substitute teachers

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 04/28/03

Pay Plan -- Temporary Employees

Pay for temporary employees shall be determined by the Human Resources Office in accordance with the classified pay plan of the district.

Pay shall not generally be greater than the probationary level of an appropriate grade of the classified pay plan. Exceptions can be made by the Superintendent based on the needs of the District.

Adopted: 12/8/86 Rev: 10-25-04

Leaves of AbsenceSick and Bereavement Leave

Certified employees will be granted sick leave according to terms of their collective bargaining agreement.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee’s immediate family. Sick leave may be used by an employee when they are unable to perform job duties because of:

- *A physical or mental illness, injury, or disability;*
- *Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee’s child;*
- *Parental leave for a permanent employee as provided in § 2-18-606, MCA;*
- *Quarantine resulting from exposure to a contagious disease;*
- *Examination or treatment by a licensed health care provider;*
- *Short-term attendance, in an agency’s discretion, to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;*
- *Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or*
- *Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person when Bereavement leave is not available as defined in the CBA.*

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination of employment.

Immediate family is defined as an employee’s spouse and any member of the employee’s household, or any parent, child, grandparent, grandchild, or corresponding in-law.

~~Further, it is the objective of this policy to assure that the District assures compliance with current maternity leave requirements as specified by the 1978 amendment to the Civil Rights Act of 1964 banning pregnancy discrimination. Sick leave will be available for pregnancy, miscarriage, childbirth, and recovery therefrom.~~

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. Upon recommendation of the Superintendent, and in

accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.
2. Leave will be granted only in units of half (½) or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

Legal Reference:	42 U.S.C §2000e	Equal Employment Opportunities
	§ 2-18-601(15), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 2-18-619, MCA	Jury Duty – Service as Witness
	§ 39-2-104, MCA	Mandatory Leave of Absence for employees
		Holding public office employers
	§ 49-2-311, MCA	Reinstatement to job following
		pregnancy- related leave of absence

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on:

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent or designee, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.

The District shall post notice of the rights, benefits, and obligations of the District and employees in the customary place for notices.

Legal Reference: 38 U.S.C. §§ 4301-4334

§10-1-1004, MCA

§10-1-1005, MCA

§10-1-1006, MCA

§10-1-1007, MCA

§10-1-1009, MCA

The Uniformed Services Employment and Reemployment Act of 1994

Rights under federal law

Prohibition against employment discrimination

Entitlement to leave of absence

Right to return to employment without loss of benefits – exceptions – definition

Paid military leave for public employees

Policy History:

Adopted on:

Reviewed on:

Revised on:

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Breastfeeding Workplace

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District will support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee's child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employees' needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee's breast milk. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private Place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing mothers

Policy History:

Adopted on: 04/09/12

Reviewed on:

Revised on:

Leaves of Absence (Discretionary)

A Leave of Absence shall be defined as leave without pay or insurance benefits except that an employee on approved Leave of Absence without pay may elect to continue group benefits provided all costs are absorbed by the employee and are paid on a monthly basis in advance.

An employee who has worked in the Bozeman Public Schools for a minimum period of five consecutive years and who has been elected or contracted for the ensuing year is eligible to apply for a formal Leave of Absence.

A Leave of Absence may be granted to eligible employees for such reasons as disability leave (extended personal or family illness), parental leave (for the purpose of caring for a newborn child or a newly adopted child), exchange teaching, study in residence, extended travel, fulfillment of duties in an elected political office and military or alternative service such as Peace or Vista Corps, or for other purposes recommended by the Superintendent and approved by the Board of Trustees.

Employees on extended leaves shall generally be entitled to return to the same position which they held immediately before commencement of leave or to positions of comparable responsibility and remuneration; and carry-over without any loss of sick leave or years of service up to the time of the employee's approved leave, except that the employee shall not accrue sick leave, annual vacation leave nor additional service time toward seniority during any unpaid leave of absence.

A parental leave may be requested and may be approved upon completion of normal maternity leave benefits in the case of the mother and may be requested in the case of the father immediately upon childbirth. The length of a parental leave of absence shall be for the remaining balance of a semester or the balance of a full year (to June 30), or for a period of one regular school year in the event of a certified employee.

Individuals on Leave Without Pay status will not accrue experience on the salary schedule nor will they accrue service for purposes of computing salary.

The Superintendent may waive particular requirements enumerated above (3rd paragraph) in individual cases where discretionary leaves are requested, and may recommend approval of such leaves to the Board. Such recommendations will be on the basis of individual needs and shall not constitute a precedent under any collective bargaining agreement.

Extended and/or General Leave Requests (Discretionary)

The Board of Trustees reserves to itself final approval of all discretionary extended leave requests, whether with or without pay. This shall include those leaves under the Voluntary Career Development Plan, as well as discretionary leaves without pay.

The administration is directed to bring such leave requests to the Board for its approval as part of the regular personnel report.

Collective bargaining agreements or governing master agreements reached with the District's four units may stipulate additional requirements, and these have the force of Board policy.

Adopted: 12/8/86

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Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Servicemember Family Leave

Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single twelve-(12)-month period.

Eligibility

An employee is eligible to take FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested, and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is twelve (12) months backward from the date of FMLA leave.

Coordination of Paid Leave

Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will not be designated FMLA leave.

Medical Certification

The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.

Legal Reference:	29 U.S.C §2601, <i>et seq.</i> - Family and Medical Leave Act of 1993
	29 C.F.R. Part 825, Family and Medical Leave Regulation
	§§2-18-601, <i>et seq.</i> , MCA Leave Time
	§§49-2-301, <i>et seq.</i> , MCA Prohibited Discriminatory Practices
	Section 585 – National Defense Authorization Act for FY 2008,
	Public Law [110-181]

Policy History:

Adopted on:

Reviewed on:

Revised on:

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~~Long-Term Illness/Temporary Disability Leave/Maternity Leave~~

~~Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of sick leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required, at the Board's discretion.~~

~~Leave without pay arising out of any long-term illness or temporary disability shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness, shall apply under the same conditions as other long-term illness or temporary disability leaves.~~

~~It is the policy of the Bozeman Public Schools to enable its contracted employees to use sick leave for long-term illness or temporary disability, and upon the expiration of sick leave to grant otherwise eligible employees leave without pay if requested.~~

~~Medical certification of the long-term illness or temporary disability may be required at the Board's discretion.~~

~~Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery therefrom. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications. Such leave shall not exceed six weeks unless prescribed by a physician.~~

~~Leave without pay arising out of any long-term illness or temporary disability, including pregnancy, miscarriage, childbirth and recovery therefrom shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness or temporary disability plans in the event of maternity leave, shall apply under the same conditions as other long-term illness or temporary disability leaves.~~

~~The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.~~

~~The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.~~

Legal Reference:	49-2-310 M.C.A.	Maternity Leave
	49-2-311 M.C.A.	Reinstatement to Job Following Pregnancy-- Related to Leave of Absence

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on:

Maternity and Paternity Leave

The School District's maternity leave policy covers employees who are not eligible for FMLA leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications.

The School District shall not refuse to grant an employee a reasonable leave of absence for pregnancy or require that an employee take a mandatory maternity leave for an unreasonable length of time. The School District has determined that maternity leave shall not exceed twelve weeks unless mandated otherwise by the employee's physician.

The School District shall not deny to the employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform employment duties.

An employee who has signified their intent to return at the end of their maternity leave of absence shall be reinstated to their original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

The School District will review requests for Paternity Leave in accordance with any applicable policy or collective bargaining agreement provision governing use of leave for family purposes.

<u>Legal Reference:</u>	<u>§ 49-2-310, MCA</u>	<u>Maternity leave – unlawful acts of employers</u>
	<u>§ 49-2-311, MCA</u>	<u>Reinstatement to job following pregnancy-related leave of absence</u>
		<u>Admin. R. Mont. 24.9.1201—1207</u> <u>Maternity Leave</u>

Policy History:

Adopted on:

Reviewed on:

Revised on:

Insurance Benefits for Employees

It is the policy of the Bozeman Public Schools that newly contracted employees will be eligible for insurance benefits offered by the District for the particular bargaining unit to which the employee belongs, with the exceptions noted below:

1. Classified employees who are less than half time (that is, who are regularly scheduled to work less than 20 hours per week) will not be eligible for group health, dental and life insurance, and will not be considered to be a member of the defined employee insurance benefit groups.
2. Any permanent employee who works half time or more is eligible for group health and/or dental insurance irrespective of the unit to which the employee belongs. All medical and dental insurance premiums shall be prorated in the amount of the face contract in terms of full time equivalency times the District's maximum contribution as prescribed by the master contract for the unit. Life insurance benefits shall accord with the master contract of the particular unit.
3. An employee who does not work during the summer, but who has been contracted during the previous academic year, shall be eligible at his/her election to continue group health, dental and life insurance coverage during the summer months. For certified personnel, the District will pay the district's portion of the premium during the summer if the certified staff member has been renewed for the following year. A classified employee who has completed a six month probationary period by June 30 is eligible to receive the District portion of health premiums for the months of July and August in the same proration as existed during the academic year.
4. An employee who has not completed the required number of days must pay the total premium (employee and employer portion) for June, July and August by the last day of school. This payment is made to the district's Benefit Specialist.

Employees are responsible for selecting their benefits and ensuring that the premiums are paid in regards to these elections. Benefit elections are made dependent on the number of hours worked per week, as follows:

1. Employees working 20-29 hours per week:
Benefits will be automatically waived, unless they elect coverage within 31 days from their eligibility start date or before the deadline of an open enrollment period.
2. All employees who work 30 hours or more per week:
Employee will automatically be enrolled in the least expensive, employee only health plan option unless the health plan is waived or another plan is selected within 31 days from their eligibility start date or before the deadline of an open enrollment period.

If the number of hours worked are not sufficient to cover the full cost of the premium, the employee is responsible to self-pay the difference to the Benefits Specialist within 15 days of payday.

Anniversary dates of the health and dental insurance policies for the District shall be September 1 through August 31.

Legal Reference: 2-18-702 MCA Group Insurance for Public Employees and Officers
2-18-703 MCA Contributions

Policy History Adopted: 12/8/86 Rev. 6/24/91; 1/25/93; 8/8/94, 8/10/15

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Holidays

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

The holidays required for classified staff, by § 20-1-305, MCA, are:

1. Independence Day
2. Labor Day
3. Thanksgiving Day
4. Christmas Day
5. New Year's Day
6. Memorial Day
7. State and national election days when the school building is used as a polling place and conduct of school would interfere with the election process

When an employee, as defined above, is required to work any of these holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee's regular pay for all time worked on the holiday.

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee's annual leave.

Legal Reference: § 20-1-305, MCA School holidays
 37 A.G. Op. 150 (1978)

Policy History:

Adopted on:

Reviewed on:

Revised on:

Vacations

Classified employees, Director of Business Services/District Clerks, and Superintendents will accrue annual vacation leave benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation leave in any instance. The District will judge each request for vacation in accordance with staffing needs.

Employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

~~The policy of the Board of Trustees, Bozeman School District No. 7, is to conform with all applicable statutes. Much of this leave policy is derived from policy 3-0305, Montana Administrative Manual, “Personnel Policies and Procedures.” Excess vacation time is not forfeited if taken within 90 calendar days from the last day of the fiscal year in which the excess was accrued.~~

Legal Reference:	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-612, MCA	Rate earned
	§ 2-18-617, MCA	Accumulation of leave – cash for unused – transfer

Policy History:

Adopted on: 12/8/86
Reviewed on:
Revised on: 1/25/93, 6/8/98

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Fair Labor Standards ActCompensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at \$12.00/hr. (Same district). The employee would get \$300.00 per week for the 30 hr/week job (\$10.00X30) and \$240.00 per week for the 20 hr./week job (\$12.00X20). A total of \$540.00 (regular remuneration). Divide \$540.00 by 50(total hours worked) = \$10.8/hr (weighted average). One-half that rate (\$10.80/2 = \$5.40) is multiplied by 10 (number of hours over 40). \$54.00 is the amount of overtime compensation due the employee based on the "blended time".

Record-Keeping Requirements Under the Fair Labor Standards Act1. Records required for ALL employees:

- A. Name in full (same name as used for Social Security);
- B. Employee's home address, including zip code;
- C. Date of birth if under the age of nineteen (19);
- D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
- E. Time of day and day of week on which the employee's workweek begins;
- F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
- G. Any payment made which is not counted as part of the "regular rate";
- H. Total wages paid each pay period.
- I. Occupation

2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any workweek (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
- E. Total overtime premium pay for a workweek;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
- L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

Legal Reference: 29 U.S.C § 201, *et seq.*
 24.9.805, ARM
 Title 39, Chapter 3, Part 4
 24.16.2501—2581, ARM

Fair Labor Standards Act
 Employment Records
 Minimum Wage and Overtime Compensation
 Overtime Compensation

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 10/8/07

Workers' Compensation Benefits

All employees of the District are covered by workers' compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;
2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;
3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational Injury or Disease; and
4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The administrator will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers' compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee's physician to release pertinent medical information to the District or to a physician of the District's choice, should an actual claim be filed against the Workers' Compensation Division, which could result in additional fees being levied against the District.

An employee who elects to receive Workers' Compensation benefits shall, upon commencement of the benefits, be considered in a Leave Without Pay status, and shall no longer be eligible for District group insurance benefits except to the extent provided for all employees on Leave Without Pay status, i.e. that all premiums are due in advance on a monthly basis for the duration of the Leave Without Pay. The District will discontinue its contributions for group insurance (health, dental, life) on behalf of any employee on a Leave Without Pay status at the end of the month in which Leave Without Pay commences.

Legal Reference: §§ 39-71-101, *et seq.*, MCA Workers' Compensation Act

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 6/14/93

Payment of Interest on Employer Contributions for Workers' Compensation Time

An employee absent because of an employment-related injury entitling the employee to workers' compensation payments may, upon the employee's return to service, contribute to the retirement system an amount equal to the contributions that would have been made by the employee to the system on the basis of the employee's compensation at the commencement of the employee's absence plus regular interest accruing from one (1) year from the date after the employee returns to service to the date the employee contributes for the period of absence.

The District has the option to pay, or not pay, the interest on the employer's contribution for the period of absence based on the salary as calculated. If the employer elects not to pay the interest costs, this amount must be paid by the employee.

It is the policy of this District to not pay the interest costs associated with the employer's contribution.

Cross Reference: 5254F Employer Payment Policy Form

Legal Reference: §§ 19-3-504, MCA Absence due to illness or injury.

Policy History:

Adopted on:

Reviewed on:

Revised on:

Certified Staff Professional Development

The Bozeman Public Schools recognizes that additional training and study as well as occasional other professionally-related activities are necessary for the continued growth and ability of district employees.

PROFESSIONAL DEVELOPMENT DAYS:

In compliance with the State Board of Public Education Accreditation Standard 10.55.714, **PROFESSIONAL DEVELOPMENT:**

"The district shall provide as part of a continuous program for the improvement of instruction, a minimum of three (3) days of professional development annually for each certified employee in the district. A day of professional development is defined as six (6) hours of actual contact time."

Each year by June 1st, the Board shall cause the district to develop a plan for employee professional development that includes the following elements:

1. Goals and objectives that state the appropriate professional needs of teachers, administrators and other professional personnel in accordance with the District's Five-year Comprehensive Education plan.
2. Activities that meet the goals and objectives of the District's Long Range Strategic plan.
3. Methods of evaluation that measure the effectiveness of each activity.

The Board of Trustees shall establish a Professional Development Committee in accordance with state accreditation standards to consider and recommend the Professional Development plan for Board adoption. This committee shall include, but not be limited to, teachers, administrators, and board members. The majority of the committee members will be teachers and half the number of teachers plus one will be appointed by the Association. The committee will generally meet one hour each month throughout the school year, but may meet more frequently as a majority of the committee determines. Committee members will be provided a minimum of one day of compensation at the per diem rate and/or one release day a year for planning. Committee members will also be given time following each meeting to provide information at the subsequent faculty meeting.

The plan shall be adopted and evaluated by the Board, and shall be on file in the office of the Superintendent. It shall be available to employees and patrons of the Bozeman Public Schools.

RELEASE TIME FOR PROFESSIONAL DEVELOPMENT:

The Board of Trustees recognizes that the professional personnel of the school district will occasionally want to attend professionally-related activities such as conventions, committee meetings, workshops, seminars, institutes, visitations and other activities that are related to the education profession in a general sense. Attached procedures will serve as a guideline to the requests and approval of released time for such attendance.

CONSULTATION BY CERTIFIED EMPLOYEES:

Occasionally professional staff ask for leave in order to consult outside the district. On a limited basis this type of professional activity may be permitted. A professional who is absent a few times during the year for this purpose may be contributing to the profession and to the district. On the other hand, if a teacher were absent from his/her classroom duties many times during the year, the loss of instruction for our students would not be offset by the other benefits. The guidelines to be used relative to these requests are:

1. A professional staff member may use his/her personal days as per the District-BEA contract.

2. Such an individual may use professional leave for consulting work if approved by the building principal subject to review and final approval by the Assistant Superintendent. The principal's decision should consider such factors as:
 - a. The total number of absences of the employee for all purposes during the year.
 - b. The professional value of the consulting services to be provided by the employees.
 - c. Maintenance of program effectiveness in the employee's absence.
 - d. Availability of competent substitutes.
 - e. Arrangements for substitute pay (see No. 3 below).
3. The beneficiary of the staff member's consultation service will reimburse the school district for the cost of the substitute's pay. These arrangements are the responsibility of the consulting professional and must be arranged with the business office.
4. Where a certified employee has vacation or a variable schedule, days used for consultation shall be the sole concern of the employee provided of course that the employee's calendar or vacation has been approved by his/her supervisor.

SALARY SCHEDULE ADVANCEMENT:

Professional employees shall advance on the district's salary schedule as agreed in the relevant and most current negotiated agreement.

Unless otherwise specified, courses and in-service programs conducted or sponsored by the district shall not be accepted for advancement on the district's salary schedule; nor shall in-service activities during school hours as an integral part of the employee's employment be considered for advancement on the salary schedule.

District professional employees who wish to secure credit toward salary advancement shall submit a Course Approval Form and description of the course(s) to the personnel office in advance of registration.

Legal Reference: 10.55.205(1) A.R.M. Supervisory & Administration Time
20-1-304 M.C.A. Pupil-Instruction-Related Day

Adopted: 12/8/86 Rev. 1/27/03

PERSONNEL

5342

Incentive Award System

Philosophy

Often front-line employees who have a personal day-to-day involvement with the operation of the school district can more readily determine cost saving measures than can managers with broad areas of responsibility. The district desires and needs to conserve resources and cut operational costs wherever possible. Employees who are able to make suggestions which effect significant savings to the district should receive some personal benefit for their ideas.

Incentive Awards

Employees who make suggestions for cost saving measures may receive an incentive award of 10% of the demonstrated first year savings to the school district with \$50 being the minimum and \$1000 being the maximum award. The funds for each award are to be expended from the budget category where the savings occurs.

Eligible Persons

All employees of the school district except administrative staff are eligible to participate in the incentive award program.

Criteria

The following criteria shall apply in determining the appropriateness of an incentive award:

1. In order for a savings idea to be considered for an incentive award, the savings to the district (using conservative estimates) must be at least \$500.
2. The savings idea must be feasible and practical to implement.
3. The savings idea must be approved and implemented by the district, and at least beginning to demonstrate the savings before the incentive award can be approved and paid.
4. The savings idea may involve an improved procedure, a reduction in equipment or materials cost, a change in the efficient use of staff, or other such costs in the district budget. Ideas which involve staff changes must pertain to position changes or reallocation as opposed to personalities or individual persons.
5. The savings idea must be an individual employee's innovative suggestion that is not part of an administratively lead or concerted planning or improvement effort.
6. The savings idea must be beyond the scope of what a conscientious and prudent employee would normally do in fulfillment of his/her job responsibilities without an incentive program.
7. If more than one employee suggests a specific savings idea, the first person to submit the idea will be the only one eligible for consideration for the incentive award. In unusual circumstances where it is apparent that more than one person has developed and used an idea independently, the superintendent may propose splitting an award between employees.
8. To be considered for an incentive award, an employee must submit the idea in writing to the Superintendent's office. Sufficient detail must be provided to clearly define the idea.
9. After appropriate research and consultation with staff, the Superintendent may recommend incentive awards for approval by the Board of Trustees.

10. The Board of Trustees reserves the right to disqualify any savings idea that it deems is inconsistent with the intent and purposes of this incentive award system.

Adopted: 12/8/86

Interviewing/Moving Expenses

The Bozeman Public School District recognizes that both administrative candidates seeking employment with the District and newly-hired administrators who reside outside the Bozeman area will incur expenses relative to seeking a position with the District and/or relocating in Bozeman.

I. Interviewing Expenses

In general the District shall pay none of the expenses incurred by candidates invited to Bozeman by the District for the purpose of being interviewed for classified, teaching, non-administrative, and professional vacancies.

In general, the District shall pay the reasonable expenses incurred by candidates invited to Bozeman by the District for the purpose of being interviewed for administrative vacancies. The superintendent is authorized to develop procedures for determining reasonable reimbursement amounts. Expenses which shall be paid include meal and lodging expenses, transportation costs (either by the most direct economy air route or by personal automobile at the minimum reimbursement scheduled for District employees, whichever is less), and other reasonable expenses while in Bozeman (e.g. airport limousine, etc.). The reimbursement schedule of allowable expenses shall not exceed that prescribed for District employees.

Prior to departure to Bozeman, the superintendent and each administrative candidate shall establish the length of time and the expenses that shall be considered reasonable in the individual's situation.

In certain instances the superintendent may make exceptions to the general policy:

- A. An administrative candidate who is offered the position for which he/she interviewed, but who declines the employment offer, will not be reimbursed for any of his/her expenses.
- B. The superintendent may decide under special circumstances to pay all or part of a teacher or other candidate's expenses. Such a decision would be made only in rare instances and shall be decided in advance of any interview by the superintendent on a case-by-case basis.

II. Moving Expenses

In general the District shall pay none of the expenses incurred by newly-hired classified, teaching or other non-administrative employees as a part of their move to the Bozeman area.

In general the District shall pay the actual costs of a rental truck (i.e. U-Haul, Ryder, etc.) from their point of hire to the Bozeman area for newly-employed administrative employees.

In certain instances the superintendent may make exceptions to the general policies:

- A. A superintendent-elect may negotiate with the Board of Trustees for different conditions of moving as a part of his/her employment agreement.
- B. The superintendent may decide under special circumstances to pay a larger portion of the moving expenses of a newly-hired administrator, up to but not exceeding full and actual costs. Such a decision would be made only in rare instances and shall be decided by the superintendent on a case by case basis.

Substitutes – Employment

Certified

~~The Bozeman Public Schools authorizes the employment of a qualified substitute in the absence of a regularly employed staff member. Employment of substitutes will be authorized only where applications are on file, fingerprint-based background checks have been administered, and payroll authorization forms are complete. The district will not engage substitutes for its administrators without the specific approval of the superintendent. In addition the district may engage a person on substitute status in lieu of a regularly-contracted staff member when:~~

- ~~1. Enrollment uncertainties exist at the beginning of a school year; and~~
- ~~2. Resignations of regular staff do not allow sufficient time for the district to employ an immediate replacement.~~

~~On either of the latter two occasions, the district shall employ a contracted staff person within a reasonable time, but in no case shall this exceed 30 work days.~~

~~The superintendent shall be responsible for establishing procedures by which teachers within the district request substitutes and by which substitute teachers shall be employed, assigned and compensated. In every instance, however, the principal or other supervisor shall be a full partner in any such procedure.~~

~~The district does not require a certificate to be in force for short term substitutes although education and/or a combination of education and practical experience in the area(s) of the teaching responsibility are generally expected. Any substitute who has served for thirty-five (35) full consecutive working days in the same assignment shall, from the 35th day of service until the 90th day of service, be placed under temporary long term sub-agreement and paid a daily rate according to the base rate of pay from the salary schedule of certificated staff.~~

~~Temporary, certified or licensed employees whose duties extend beyond ninety (90) consecutive days will be placed on contract according to educational attainment and experience (except that no more than three (3) years of prior experience shall be awarded unless the substitute teacher has been employed within the district in a certified position within the preceding three years). A temporarily assigned (less than 90 days) intermittent teacher on filling in for another teacher on temporary leave will not be eligible for insurance benefits or severance benefits. This contract will not be retroactive to the beginning of service.~~

~~Any substitute who serves beyond thirty-five (35) consecutive days in the same position requires an active and valid certificate in the state of Montana.~~

Classified

~~The district authorizes the employment of a classified substitute in the absence of a classified staff member when a program will be adversely affected by the regular staff member's absence and when a substitute can perform the duties. The superintendent shall establish procedures, relating to the use of substitute classified staff.~~

General

~~All substitutes are intermittent, on-call employees only. Deductions for social security and, in the case of teachers, for the Teachers Retirement System are made from wages earned. Substitute employees will be paid on or about the 14th of the month following any work in the month preceding. Advances are not possible. Intermittent employees are not eligible to participate in the district's health, dental, life or other group insurances.~~

~~A.R.M.10.55.716 Substitute Teachers~~

~~Article 1.2 Bozeman Education Association Collective Bargaining Agreement~~

~~Adopted: 12/8/86 Rev.: 01/26/09~~

Paraprofessionals

Paraprofessionals, as defined in the appropriate job descriptions, are under the supervision of a principal and a teacher to whom the principal may have delegated responsibility for close direction. The nature of the work accomplished by paraprofessionals will encompass a variety of tasks that may be inclusive of "limited instructional duties."

Paraprofessionals are employed by the District mainly to assist the teacher. A paraprofessional is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

It is the responsibility of each principal and teacher to provide adequate training for a paraprofessional. This training should take into account the unique situations in which a paraprofessional works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the paraprofessional to assist in reading, writing, and mathematics instruction.

The Superintendent shall develop and implement procedures for an annual evaluation of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child's paraprofessionals, if applicable.

Aides (Classroom, Library, Study Hall, etc.)

~~Aides, as stipulated in the respective job descriptions and in Section 12.2 of the Negotiated Agreement with teachers, are under the supervision of a principal, and a teacher to whom the principal may have delegated responsibility for close direction. Also by job description, the nature of the work accomplished by aides will encompass a variety of tasks that may be inclusive of "limited instructional duties."~~

~~Section 20-3-324 (2) M.C.A. does give the trustees of each district the power and duty to "employ and dismiss . . . teachers aides . . . and any other personnel deemed necessary to carry out the various services of the district."~~

~~Aides are employed by the Bozeman Public Schools mainly to assist the teacher. The aide is an extension of the teacher who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.~~

~~It is the responsibility of each principal and teacher to assure adequate training for an aide. This training should take into account the unique situations in which an aide works, and should be designed to cover the general contingencies that might be expected to pertain to that situation.~~

Legal Reference: 20 U.S.C. § 6319 Qualifications for teachers and paraprofessionals

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 12/30/2020

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks.

The superintendent shall develop and implement procedures for the utilization of volunteers within the District.

Volunteers who are formally acting on behalf of and are assisting in school projects shall be covered by the District's liability insurance. This does not alleviate a volunteer, as is the case with an employee, from exercising appropriate judgment and responsibility in the discharge of all duties in accordance with the policies of the Board of Trustees of School District No. 7, Bozeman Public Schools.

Chaperones

The Superintendent may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day's activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of District policy during the field trip or excursion, including during the hours following the end of the day's activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

Cross Reference: 5122 Fingerprints and Criminal Background Investigation
5430F Volunteer/Chaperone Letter of Understanding

Policy History: Adopted on: 12/8/86 Reviewed on: Revised on:

Student Teachers/Interns

The District recognizes its obligation to assist in the development of members of the teaching profession. The District shall make an effort to cooperate with accredited institutions of higher learning in the education of student teachers and other professionals in training (such as interns) by providing a reasonable number of classroom and other real-life situations each year.

The District and the respective training institutions shall enter into mutually satisfactory agreements whereby the rules, regulations, and guidelines of the practical experiences shall be established.

The Superintendent shall coordinate all requests from cooperating institutions for placement with building principals so that excessive concentrations of student teachers and interns shall be avoided. As a general rule:

1. A student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;
2. A supervising professional shall be assigned no more than one (1) student teacher/intern per school year;
3. The supervising professional shall remain responsible for the class;
4. The student teacher shall assume the same conditions of employment as a regular teacher with regard to meeting the health examination requirements, length of school day, supervision of co-curricular activities, staff meetings, and in-service training; and
5. The student teacher shall be subject to the District policy regarding background checks, if the student teacher has unsupervised access to children.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference: § 20-4-101(2) and (3), MCA System and definitions of teacher and specialist certification – student teacher exception

Policy History:

Adopted on: 12/8/86

Reviewed on:

Revised on: 04/28/03

Employee use of Electronic Mail, Internet, Networks, and District Equipment

E-mail is an electronic message that is transmitted between two (2) or more computers or electronic terminals, whether or not the message is converted to hard-copy format after receipt, and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees have no expectation of privacy. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of District e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the e-mail and Internet system, including but not limited to network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright or intellectual property rights, are prohibited. Abuse of the e-mail or Internet systems through personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an e-mail or Internet message does not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the message "Do Not Forward."

In order to keep District e-mail and Internet systems secure, users shall not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records and e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process.

Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose all information sent over the District e-mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation, and to access District information in the employee's absence. Employee e-mail/Internet messages may not necessarily reflect the views of the District.

All District employees should be aware that e-mail messages can be retrieved, even if they have been deleted, and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the District.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. E-mail sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All District e-mail and Internet communications may be monitored.

Internet Filtering

All Bozeman School District #7 computers shall have filtering in place while connected to the district computer network. Internet filtering is provided for all computers owned by the district.

Bozeman School District #7 staff shall not allow students to use any computer connected to the district network without Internet filtering in place. This includes any computer, laptop or desktop, whether in the district's libraries, media centers, classrooms, laboratories or offices where students are, for any reason, allowed to use a computer, or any other such device, with Internet access.

Staff members violating this policy are subject to disciplinary action up to and including discharge.

Cross Reference: 5460 Electronic Resources and Social Networking
 8351F Summer Laptop Checkout Form

Policy History:

Adopted on: 4/23/12

Reviewed on:

Revised on:

Electronic Resources and Social Networking

Bozeman School District #7 recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. The District also believes that students need to be proficient users of information, media, and technology to succeed in a digital world.

Public school employees are held to a high standard of behavior. The Montana Department of Education Professional Educators of Montana Code of Ethics requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The District encourages all staff to read and become familiar with the Code of Ethics.

Therefore, Bozeman School District #7 will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is the District’s goal to provide students with rich and ample opportunities to use technology for important purposes in schools just as individuals in workplaces and other real-life settings. The District’s technology will enable educators and students to communicate, learn, share, collaborate and create, to think and solve problems, to manage their work and to take ownership of their lives.

An employee’s use of any social media network and an employee’s postings, displays, or communications on any social media network must comply with all state and federal laws and any applicable District policies. Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they do not cross the line of acceptability.

The Board directs the Superintendent or his/her designee to create strong electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

Cross Reference:	5015	Bullying/Harassment/Intimidation
	5223	Personal Conduct
	5255	Disciplinary Action
		<i>Professional Educators of Montana Code of Ethics</i>

Policy History:

Adopted on: 4/23/12
Reviewed on:
Revised on:

PERSONNEL

5500

Payment of Wages Upon Termination

When a District employee separates from employment, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee's work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty-(30)-day period.

Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from employment prior to
payday – exceptions

Policy History:

Adopted on:

Reviewed on:

Revised on:

HIPAA

Note:

(1) Any school district offering a group “health care plan” for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a “health care provider” by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an “educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction.” This transaction occurs when a school nurse submits a claim electronically.

(2) Any personally identifiable health information contained in an “education record” under FERPA is subject to FERPA, not HIPAA.

Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for *electronic health care transactions*. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result, HIPAA included provisions that mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee’s (or dependent’s) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person’s name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.
2. Individuals have the right to request an amendment to their health record. The plan may deny an individual’s request under certain circumstances specified in the HIPAA Privacy Rule.

3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.
4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.
6. Covered entities are required to issue a notice of privacy practices to their enrollees.
7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The Superintendent or designee has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice follows as 5510F or may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes.

An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- : The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- : Documents containing PHI are kept in a restricted/locked area.
- : Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- : Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- : The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- : The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

Superintendent or Privacy Officer
Bozeman Public Schools
Willson School, 404 West Main
PO Box 520
Bozeman, MT 59715

Legal Reference: 45 C.F.R. Parts 160, 162, 164

Policy History:

Adopted on: 10-11-04

Reviewed on:

Revised on:

PERSONNEL

5630

Employee Use of Mobile Devices

The Board recognizes that the use of mobile devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District-sponsored activities.

District-owned mobile devices will be used for authorized District business purposes. Unauthorized personal use of such equipment is prohibited except in emergency situations.

Use of mobile devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including termination of employment.

District employees are prohibited from using mobile devices while driving or otherwise operating District-owned motor vehicles, or while driving or otherwise operating personally-owned vehicles for school district purposes.

Emergency Use

Staff are encouraged to use any available mobile device in the event of an emergency that threatens the safety of students, staff, or other individuals.

Use of Personal Mobile Devices

Employees are prohibited from using their personal mobile devices during the instructional period for non-instructional purposes. When necessary, employees may use their personal mobile devices only during non-instructional time. In no event shall an employee's use of a mobile device interfere with the employee's job obligations and responsibilities. If such use is determined to have interfered with an employee's obligations and responsibilities, the employee may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.

Policy History:

Adopted on:

Reviewed on:

Revised on:



Meeting Date:	January 25, 2021
Category:	Action Item - Consent - Policy 2nd Reading
Agenda Item #:	4.1.2
Originated By:	Mike Waterman, Director of Business Services
Others Involved:	

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Approval of Universal Policy Update.

Facts:

1. First reading of the revised policies took place on January 11, 2021.
2. The District's organization chart continues to evolve over time.
3. Policies referencing specific titles or individuals can inadvertently become obsolete when organizational chart changes or staff turnover occurs.
4. To address these ongoing changes, administration recommends the Board charge administration with replacing specific titles with "Superintendent or designee" in all Board policies, as appropriate.

Recommendation:

It is recommended that the Board of Trustees approve the policy updates.

Other Alternatives:

1. Do not approve the recommendation and request administration propose changes.



Meeting Date:	January 25, 2021
Category:	Action Item - Consent - Policy 2nd Reading
Agenda Item #:	4.1.3
Originated By:	Casey Bertram, Marilyn King, Interim Co-Superintendents
Others Involved:	MTSBA; Executive Cabinet

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider approval of proposed new emergency Policy - #1905, Face Coverings as Personal Protective Equipment.

Facts:

1. First reading of the revised policies took place on January 11, 2021.
2. The policy was developed in conjunction with the Montana School Boards Association.
3. The metrics/matrix, developed by the Covid Advisory Task Force, is based, in part, on the use of face coverings as a safety measure in our district.
4. As written, "This policy applies during the COVID19 state of emergency declared by the Board of Trustees or other local, state or federal agency, official, or legislative body."
5. The policy also provides guidance on disciplinary action related to failure or refusal to wear a mask or harassment related to protective face coverings.

Recommendation:

It is recommended that the Board of Trustees approve this policy.

Other Alternatives:

1. Do not approve the recommendation and request administration propose changes.

Face Coverings as Personal Protective Equipment

This policy applies during the COVID19 state of emergency declared by the Board of Trustees or other local, state or federal agency, official, or legislative body. This policy is adopted, implemented, and enforced in accordance with the supervisory authority vested with the Board of Trustees in accordance with Article 10, section 8 of the Montana Constitution. The Board of Trustees authorizes the Superintendent to develop and implement procedures to enforce this policy.

The School District requires all staff, volunteers, visitors, and school-aged students to wear a face covering while present in any school building, regardless of vaccination status. The School District also requires all staff, volunteers, visitors, and school-aged students to wear a face covering while present at any outdoor school activity with fifty (50) or more people where physical distancing is not possible or is not observed. Face covering means disposable or reusable masks that cover the nose and mouth. The School District will provide masks to students, volunteers, and staff, if needed. If a student or staff wears a reusable mask, the School District expects that the masks be washed on a regular basis to ensure maximum protection.

Students, staff, volunteers, and visitors are not required to wear a mask or face shield under this provision when:

- 1. consuming food or drink;*
- 2. engaged in strenuous physical activity;*
- 3. communicating with someone who is hearing impaired;*
- 4. identifying themselves;*
- 5. receiving medical attention; or*
- 6. precluded from safely using a face covering due to a medical or developmental condition. The superintendent, building principal, or their designee shall request documentation from a care provider when considering an exception to this provision for medical or developmental reasons. The School District will comply with all applicable disability and discrimination laws when implementing this provision.*

When students and members of the public are not present, staff may remove their masks if they are at their individual workstation and six feet of distance is strictly maintained between individuals. If students are working in small groups, the students must be wearing masks.

All points of entry to any school building or facility open to the public shall have a clearly visible sign posted stating the mask requirement.

Allegations of harassment of any person wearing a mask or those with recognized exemptions to the face covering requirement will be promptly investigated in accordance with District policy. Failure or refusal to wear a mask by a staff member or student not subject to an exception noted above may result in redirection or discipline in accordance with District policy and codes of conduct, as applicable.

Legal Reference: *Article X, section 8* *Montana Constitution*
 Section 20-3-324, MCA *Powers and Duties*

Policy History: *Adopted on:* *Reviewed on:* *Revised on:*



Meeting Date:	January 25, 2021
Category:	Action Item - Consent - Both Districts
Agenda Item #:	4.2.1
Originated By:	Mike Waterman, Director of Business Services
Others Involved:	Lori Ross, Executive Assistant

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Approval of Board Meeting Minutes.

Facts & Discussion:

1. Minutes of the [January 11, 2021](#) Regular Board Meeting.
2. Minutes of the [January 20, 2021](#) Special Board Meeting.
3. Upon approval, the minutes represent the official actions of the Board of Trustees of School District No. 7.

Fiscal Impact:

N/A

Recommendation:

It is recommended the Board of Trustees approve as presented, the minutes of the Regular Board Meeting on [1-11-2021](#) and Special Board Meeting on [1-20-2021](#).

Other Alternatives:

1. Do not approve the recommendation and request administration propose changes.



Meeting Date: January 25, 2021

Category: Action Item - Consent - Elementary District

Agenda Item #: 4.5.1

Originated By: Mike Waterman, Director of Business Services

Others Involved:

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Admittance of Students for 2020-21 Enrollment Counts.

Facts:

- 20-7-117, MCA requires that the kindergarten programs accommodate children who have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been enrolled by special permission of the board of trustees.
- The District offers an extended kindergarten opportunity to economically disadvantaged and certain other 4- and 5-year old students in need of academic support as defined in policy [3111](#).

Discussion:

The Office of Public Instruction has interpreted this 'special permission' clause to mean students enrolled in this program must be specifically identified and approved by the Board in order to count for ANB funding purposes.

Additional students have enrolled in the Running Start Kindergarten program since the Board's last action was taken. The students (identified by student number) are:

133757082
288594061

Recommendation:

It is recommended that the Board waive the age provisions of 20-7-117, MCA, and grant special permission to the students identified above to enroll in the District for the 2020-21 school year, including the October 2020 and February 2021 enrollment count dates as applicable.

Other Alternatives:

- Do not approve the recommendation and request administration propose changes.



Meeting Date:	January 25, 2021
Category:	Action Item - Consent - Elementary District
Agenda Item #:	4.5.2
Originated By:	Casey Bertram, Interim Co-Superintendent
Others Involved:	PK-5 Principals

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider K-2 Purchase of Superkids Core Reading Program for 2021-2022 School Year.

Facts:

1. An ELA subcommittee of the PK-5 Instructional Oversight Committee (IOC) was convened during the 2019-2020 school year to review and vet K-2 reading materials. The subcommittee was facilitated by interim curriculum director, Anne Keith.
2. Dr. Danielle Thompson, literacy consultant, was contracted by the District to support a three-year literacy project tied to the science of reading. Dr. Nell has provided administrative training, Board education (4/9/2020), teacher training and coaching, audits of core and supplemental materials, assessment system and MTSS coaching/auditing, and helped to guide the ELA subcommittee in the vetting process of K-2 reading materials.
3. The ELA subcommittee vetted multiple resources using a rubric. Cost proposals, vendor demonstrations, and staff feedback were part of the vetting process.
4. The Superkids Reading Program was recommended by the ELA subcommittee and the recommendation was supported by the IOC and the elementary principals.
5. Due to the juggling of multiple initiatives ([CLICK HERE](#)) and Covid the IOC recommended implementation of Superkids K-2 reading program beginning in the 2021-2022 school year, with training to occur in August of 2021.

Discussion:

1. Updated cost proposals were acquired in January, 2021 ([CLICK HERE](#)).
2. Ordering and taking delivery of annual consumable materials for years 2-4 with the initial purchase provides approximately \$49,000 in savings (materials and shipping savings).
3. Initial professional development, inclusive of a 3-hour training per grade level and a fall of 2021 virtual or in-person coaching sessions is included at no additional cost.
4. The purchase will be funded by a combination of one-time funds and the elementary curriculum budget.
5. We plan to have materials in the hands of teachers this spring for them to preview over the spring/summer.
6. Years 2-4 of consumable materials will be stored in the district.

Fiscal Impact:

Total cost for four years is \$528,623.08, or \$132,155.77 annually. \$328,000 will come from one-time funds and \$200,623.08 will come from the elementary curriculum budget.

Recommendation:

Approve K-2 Purchase of Superkids Core Reading Program for 2021-2022 School Year.

Other Alternatives:

1. Do not approve K-2 Purchase of Superkids Core Reading Program for 2021-2022 School Year.



Meeting Date:	January 25, 2021
Category:	Discussion - Legislative Update
Agenda Item #:	5.2
Originated By:	Casey Bertram, Marilyn King, Interim Co-Superintendents
Others Involved:	Mike Waterman, Director of Business Services

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:
Legislative Update

Discussion:
Casey Bertram, Marilyn King and Mike Waterman will provide Trustees with updates and lead discussion on Montana and Congressional legislation that may affect the operation of the District.

This item supports the following LRSP Strategic Objective:
Goal Area #3: Community Engagement and External Relations
3.06 During the 2021 Legislative Session, Bozeman Public Schools will continue to advocate for policies, procedures and resources needed to meet the high quality educational goals important to the community.



Meeting Date:	January 25, 2021
Category:	Action Item - Singular - Both Districts
Agenda Item #:	6.1.1
Originated By:	Pat Strauss, Director of Human Resources
Others Involved:	Marilyn King and Casey Bertram, Interim Co-Superintendents

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Approval of Title IX policies, referenced in the Title IX Summary Chart.

Facts:

1. The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

2. On May 6, 2020, the Department of Education issued a press release and related resources regarding the new regulations.
3. On May 19, 2020, the new Title IX regulations were published in the Federal Register (85 Fed. Reg. 30,026).
4. On August 14, 2020, the new Title IX regulations became effective.

Discussion:

Policy changes are reflected in the Title IX Summary Chart.

Recommendation:

The Superintendents recommend that the Board of Trustees approve the Title IX policies as presented.

Other Alternatives:

1. Work with MTSBA on revised wording.

Bozeman Public Schools District Board of Trustees
Policy Review and Revision
Summary of Policy Series 3000 – Students, Series 500-Personnel

R = *Required* **REC** = *Recommended* **OP** = *Optional*

EXISTING POLICY	PROPOSED POLICY	STATUS		NOTES
3210	3210	<u>R</u>	Equal Education, Nondiscrimination and Sex Equity	This policy has been updated to reflect the requirement to identify the Title IX Coordinator and Section 504 Coordinator in school district policy. These coordinators will also be identified in student handbooks. Additional language has been added in the first paragraph.
3225			Sexual Harassment of Students	This new policy completely replaces the previous version of Policy 3225. The new version of the policy identifies the Title IX Coordinator authorized to investigate allegations governed by the policy, defines sexual harassment consistent with the new rules, prohibits retaliation, ensures confidentiality, outlines notice and training requirements, outlines methods to avoid conflicts of interest, and refers to the new grievance procedure for determination of responsibility.
3226	3226	<u>R</u>	Bullying, Harassment, Intimidation, Hazing	This policy has been updated to authorize the Title IX Coordinator to follow the sexual harassment grievance process when an allegation made under this policy is suspected to be sexual harassment.
3310			Student Discipline	This policy has been updated to specifically include sexual harassment as part of the code of conduct and now includes a provision

				authorizing administrative, non-disciplinary removal from school through offsite instruction for reasons related to safety or investigation.
5012			Sexual Harassment of Employees	This policy completely replaces the previous version of policy 5012. The new version of the policy identifies the Title IX Coordinator authorized to investigate allegations governed by the policy, defines sexual harassment consistent with the new rules, prohibits retaliation, ensures confidentiality, outlines notice and training requirements, outlines methods to avoid conflicts of interest, and refers to the new grievance procedure for determination of responsibility.
5015			Bullying, Harassment, Intimidation, Hazing	This policy has been updated to authorize the Title IX Coordinator to follow the sexual harassment grievance process at Policy 3225P when an allegation made under this policy is suspected to be sexual harassment.

STUDENTS

3210

Equal Education, Nondiscrimination and Sex Equity

~~The District will make equal educational opportunities available for all students without regard to race, creed, religion, gender, sexual orientation, marital status, color, age, physical or mental disability, national origin, or political beliefs.~~

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status, gender, or sexual orientation. No student ~~on the basis of sex,~~ will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

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

Title: Title IX Coordinator

Office address: 404 East Main Street, Bozeman, MT 59715

Email: titleIX@bsd7.org

Phone number: 406-522-6006

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

Title: 504 Coordinator

Office address: 404 East Main Street, Bozeman, MT 59715

Email: 504coord@bsd7.org

Phone number: 406-522-6054

Any individual may file a complaint alleging violation of this policy, **Policy 3200-Student Rights and Responsibilities, Policy 3225-Sexual Harassment, or Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.** ~~by following the Review of Services of Staff or Program (Policy 4312).~~

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

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

Cross Reference: 1700 Uniform Complaint Procedure
 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: 11/24/1986

Reviewed on:

Revised on: 02/28/1994, 10/13/2008

Sexual Harassment of Students

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

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Title IX Coordinator
Office address: 404 West Main Street
Email: titleIX@bsd7.org
Phone number: 406-522-6006

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

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

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

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

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

Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

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

Determination of Responsibility

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

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

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.

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Civil Rights Act, Title VII; 42 USC 2000e et seq.

Education Amendments of 1972, Title IX; 20 USC 1681 et seq.

34 CFR Part 106

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

10.55.701(1)(f), ARM

Board of Trustees

10.55.719, ARM

Student Protection Procedures

10.55.801(1)(a), ARM

School Climate

Policy History:

Adopted on:

Reviewed on:

Revised on:

Bullying/Harassment/Intimidation/Hazing

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

Definitions

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

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

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

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

Policy History:

Adopted on:
Reviewed on:
Revised on:

Student Discipline

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, 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 weapon in violation of the “Possession of Weapons other than Firearms” section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- **Intimidation, harassment, sexual harassment, sexual misconduct, hazing or 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.**
- ~~Hazing or bullying.~~
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.
- Violating a “no contact agreement” or violating court orders including restraining orders obtained by other students or staff.

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

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.

- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include but are not limited to:

- Expulsion
- ~~Alternative to Expulsion~~
- Suspension
- Detention, including Saturday school
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

The Board grants authority to any teacher and to any other school personnel to impose on students under their charge any disciplinary measure, other than suspension or expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with policies and rules on student discipline. The Board authorizes teachers to remove students from classrooms for disruptive behavior.

Cross Reference: 3300 Suspension and Expulsion
 3226 Bullying, Harassment
 5015 Bullying, Harassment

Legal Reference: § 16-11-302(1)(7), MCA Definitions
 § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty defense
 § 20-5-202, MCA Suspension and expulsion
 § 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
 § 45-5-637, MCA Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age is prohibited – unlawful attempt to purchase - penalties
 29 U.S.C. § 701 Rehabilitation Act of 1973

Policy History:

Adopted on: 11/24/1986

Reviewed on:

Revised on: 07/11/2005, 03/28/2011, 08/10/2015, 12/10/2018

PERSONNEL

5012

Sexual Harassment of Employees

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

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Director of Human Resources

Office address: 404 W. Main Street, Bozeman, MT 59715

Email: titleIX@bsd7.org

Phone number: (406) 522-6007

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

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

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

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

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

Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

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

Determination of Responsibility

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

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices.

Definitions

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

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

· “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:

- a. Physically harming an employee or damaging an employee’s property;
- b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
- c. Creating a hostile working environment.

Reporting

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

The complainant may be provided a summary of the findings of the investigation and, as appropriate, that remedial action has been taken.

Responsibilities

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties.

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference:	10.55.701(3)(g), ARM	Board of Trustees
	10.55.801(1)(d), ARM	School Climate

Policy History:

Adopted on:
Reviewed on:
Revised on:



Meeting Date:	January 25, 2021
Category:	Action Item - Singular - Both Districts
Agenda Item #:	6.1.2
Originated By:	Marilyn King and Casey Bertram, Interim Co-Superintendents
Others Involved:	Pat Strauss, Director of Human Resources

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Approval of Bozeman Education Association (BEA) MOU to extend collective bargaining.

Facts:

1. The District and Bozeman Education Association (BEA) have a longstanding, positive relationship built around collaborative approaches to collective bargaining and positive solutions to District issues.
2. The 2021 Montana State Legislature is considering several legislative proposals to limit or prohibit collective bargaining for public employers/employees.
3. There are legislative proposals being considered that would eliminate the Bozeman Education Association as the exclusive representative for collective bargaining with our certified employees. This change, if implemented, will create many uncertainties and challenges for the District in negotiating compensation, benefits and working conditions for our certified employees.
4. The District and BEA have created a Memorandum of Understanding (MOU) to extend the current collective bargaining agreement through June 30, 2025 with an agreement to collectively bargain items of compensation and benefits as well as other working conditions which would result in addendums via (MOU) to the current collective bargaining agreement.
5. The District and BEA believe the extension provided in the MOU will provide the best opportunity to continue our positive relationship and provide time to adjust our practices to pending legislation regarding collective bargaining.

Fiscal Impact:

To be determined.

Recommendation:

It is recommended that the Board of Trustees approve the proposed Memorandum of Understanding to extend collective bargaining between the District and Bozeman Education Association to June 30, 2025.

Other Alternatives:

1. Do not approve the recommendation.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
Bozeman School District #7 (“District”)
AND THE
Bozeman Education Association (“Association”)**

This Memorandum of Understanding (MOU) is being made and entered into between the Bozeman School District, hereinafter referred to as the District, and the Bozeman Education Association, hereinafter referred to as the Association.

Whereas the District and the Association entered into a collective bargaining agreement in accordance with Montana Code Annotated (MCA) §39-31-305 that requires a duty to bargain in good faith; and

Whereas the District and the Association agree that our collaborative approach to collective bargaining has served to strengthen and maintain harmonious relations; and

Whereas the District and the Association agree that extending the current collective bargaining agreement until June 30, 2025 provides the best method to preserve the interests of both parties; and

Whereas both parties agree that the consensus process used to negotiate and solve District problems together has strengthened our relationship, built trust and created mutually agreed upon solutions that have moved our District forward; and

Whereas both parties agree that extenuating circumstances exist in the District such as the interim nature of District leadership and challenges presented by the current COVID-19 pandemic;

Now Therefore, the parties agree to the following:

- 1) The term of the contract shall be extended from June 30, 2020 to June 30, 2025; and
- 2) The parties agree to meet during the term of this extension for the purpose of discussing and negotiating articles 15, 16, 17 and 18 regarding compensation and fringe benefits; and
- 3) The parties further agree that during the term of the extension they may meet on other topics that affect working conditions and District initiatives; and
- 4) That any agreements that arise from items 1, 2, or 3 of this agreement shall be memorialized in a separate MOU covering those items.

This MOU is subject to the grievance and arbitration articles of the collective bargaining agreement between Bozeman School District and Bozeman Education Association.

Dated this _____ day of _____, 2021.

Signed and acknowledged:

For the Bozeman School District:

For the Bozeman Education Association

School Board Chair

President



Meeting Date:	January 25, 2021
Category:	Action Item - Singular - Both Districts
Agenda Item #:	6.1.3
Originated By:	Marilyn King and Casey Bertram, Interim Co-Superintendents
Others Involved:	Pat Strauss, Director of Human Resources

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:
Consider Approval of Bozeman Classified Employees Association MOU to extend collective bargaining.

- Facts:**
1. The District and Bozeman Classified Employees Association (BCEA) have a longstanding, positive relationship built around collaborative approaches to collective bargaining and positive solutions to District issues.
 2. The 2021 Montana State Legislature is considering several legislative proposals to limit or prohibit collective bargaining for public employers/employees.
 3. There are legislative proposals being considered that would eliminate the Bozeman Classified Employee Association as the exclusive representative for collective bargaining with our classified employees. This change, if implemented, will create many uncertainties and challenges for the District in negotiating compensation, benefits and working conditions for our classified employees.
 4. The District and BCEA have created a Memorandum of Understanding (MOU) to extend the current collective bargaining agreement through June 30, 2025 with an agreement to collectively bargain items of compensation and benefits as well as other working conditions which would result in addendums via (MOU) to the current collective bargaining agreement.
 5. The District and BCEA believe the extension provided in the MOU will provide the best opportunity to continue our positive relationship and provide time to adjust our practices to pending legislation regarding collective bargaining.

Fiscal Impact:
To be determined.

Recommendation:
It is recommended that the Board of Trustees approve the proposed Memorandum of Understanding to extend collective bargaining between the District and Bozeman Classified Employees Association to June 30, 2025.

- Other Alternatives:**
1. Do not approve the recommendation.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
Bozeman School District #7 (“District”)
AND THE
Bozeman Classified Employees Association (“Association”)**

This Memorandum of Understanding (MOU) is being made and entered into between the Bozeman School District, hereinafter referred to as the District, and the Bozeman Classified Employees Association, hereinafter referred to as the Association.

Whereas the District and the Association entered into a collective bargaining agreement in accordance with Montana Code Annotated (MCA) §39-31-305 that requires a duty to bargain in good faith; and

Whereas the District and the Association agree that our collaborative approach to collective bargaining has served to strengthen and maintain harmonious relations; and

Whereas the District and the Association agree that extending the current collective bargaining agreement until June 30, 2025 provides the best method to preserve the interests of both parties; and

Whereas both parties agree that the consensus process used to negotiate and solve District problems together has strengthened our relationship, built trust and created mutually agreed upon solutions that have moved our District forward; and

Whereas both parties agree that due to the extenuating circumstances present in the District such as the interim nature of District leadership and challenges presented by the current COVID-19 pandemic.

Now Therefore, the parties agree to the following:

- 1) The term of the contract shall be extended from June 30, 2020 to June 30, 2025; and
- 2) The parties agree to meet during the term of this extension for the purpose of discussing and negotiating articles 7, and 11, regarding compensation and fringe benefits; and
- 3) The parties further agree that during the term of the extension they may meet on other topics that affect working conditions and District initiatives; and
- 4) That any agreements that arise from items 1, 2, or 3 of this agreement shall be memorialized in a separate MOU covering those items.

This MOU is subject to the grievance and arbitration articles of the collective bargaining agreement between Bozeman School District and Bozeman Classified Employees Association.

Dated this _____ day of _____, 2021.

Signed and acknowledged:

For the Bozeman School District:

For the Bozeman Classified Employees Association

School Board Chair

President



Meeting Date:	January 25, 2021
Category:	Action Item - Singular - High School
Agenda Item #:	6.2.1
Originated By:	Marilyn King and Casey Bertram, Interim Co-Superintendents
Others Involved:	High School Principals

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Consider Interim Co-Superintendent recommendation for high school instructional model.

Facts:

1. PK-12 schools started the 2020-21 school year using a blended model. Under that model students attend school in-person 2 days per week and are provided remote instruction 3 days per week.
2. At the September 21, 2020 meeting the Board passed the following motion:
"Each grade band level will remain in the blended model, with a targeted move date for PK-5 of November 2; Middle School the second trimester (November 23); and high school at the beginning of the second semester, based on metrics developed by the board, and subject to a board vote."
3. The Covid Advisory Task Force created [metrics/matrix](#) that were discussed and embraced by the Board of Trustees on December 30, 2020.
4. At the January 11, 2020 meeting the Board passed the following revised motion:
"Move the high schools to the 4+1 model on January 27, pending any significant changes in COVID metrics/ matrix data prior to January 27."

Discussion:

To be presented at Board meeting January 25, 2021

Fiscal Impact:

None known

Recommendation:

Interim Co-Superintendents will wait for COVID metrics and matrix data for the week of January 18 prior to formalizing high school instructional model recommendation to be presented at the Board meeting on January 25, 2021.

Other Alternatives:

1. Do not approve instructional model recommendation for high school and select another instructional model



Meeting Date:	January 125, 2021
Category:	Action Item - Singular - Elementary
Agenda Item #:	6.3.1
Originated By:	Marilyn King and Casey Bertram, Interim Co-Superintendents
Others Involved:	Elementary and Middle School Principals

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:
Consider Interim Co-Superintendent recommendation for PK-5 and middle school instructional models.

Facts:

1. PK-12 schools started the 2020-21 school year using a blended model. Under that model students attend school in-person 2 days per week and are provided remote instruction 3 days per week.
2. PK-5 schools moved to 5 days of in-person instruction on November 2, 2020.
3. The move to 5 days of in-person instruction in the middle schools was postponed by Board action on November 16, 2020.
4. The Covid Advisory Task Force created [metrics/matrix](#) that were discussed and embraced by the Board of Trustees on December 30, 2020.
5. At the January 11, 2020 meeting the Board passed the following motion:
“Continue 5 days of in-person instruction (cohort model) at the PK-5 level. Move the middle schools to 5 days of in-person instruction on February 1, pending any significant changes in COVID metrics/matrix data prior to February 1.”

Discussion:
To be presented at Board meeting January 25, 2021

Fiscal Impact:
None known

Recommendation:
Interim Co-Superintendents will wait for COVID metrics and matrix data for the week of January 18 prior to formalizing PK-5 and middle school instructional model recommendations to be presented at the Board meeting on January 25, 2021.

Other Alternatives:

1. Do not approve instructional model recommendation for PK-5 and select another instructional model.
2. Do not approve instructional model recommendation for middle school and select another instructional model.



Meeting Date:	January 25, 2021
Category:	Reports
Agenda Item #:	7.1
Originated By:	Marilyn King and Casey Bertram, Interim Co-Superintendents
Others Involved:	Executive Cabinet

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

The Executive Cabinet will provide updates of current issues in their respective areas of responsibility. Since the topics that may come up have not been properly noticed, these reports should not result in extensive discussion by the Board and public at this meeting. They may, however, lead to future agenda items that have been properly noticed.

Long Range Strategic Plan

This discussion supports Long Range Strategic Plan strategic objectives.



Meeting Date: January 25, 2021

Category: Reports

Agenda Item #: 7.2

Originated By: Trustees

Others Involved:

MOTION	SECOND	AYES	NAYS	ABSTAIN

Topic:

Individual Trustees will be provided the opportunity to make requests, express concerns, give reports and request future agenda items. Since the topics that may come up have not been properly noticed, these reports should not result in extensive discussion by the Board and public at this meeting. They may, however, lead to future agenda items that have been properly noticed.



Bozeman School District 7

404 West Main

Bozeman, Montana 59715

Core Purpose

“Bozeman Public Schools exist to provide an outstanding education that inspires and ensures high achievement so every student can succeed and make a difference in a rapidly changing world community.”

Core Values

- ☐ **High Student Achievement:** We are committed to ensuring that all students achieve at high levels.
- ☐ **Committed, Quality Staff:** We employ and retain well qualified and talented staff members who demonstrate a commitment to the core purpose of the District.
- ☐ **Community and Family Engagement:** We believe that parents and the community are essential contributors in the achievement of our goals.
- ☐ **Climate:** We operate in a climate of respect, honesty and hard work, recognizing the need to be adaptable and open to change.
- ☐ **Fiscal Responsibility:** We are fiscally responsible in the management and expenditure of all District resources.
- ☐ **Decision Making:** We rely on best practices research to guide our decision-making.

Big Audacious Goal – Envisioned Future

“The Bozeman Public School District is widely recognized as a vibrant, flexible and progressive educational system that generates student excellence and engages students to succeed and positively contribute in a global community.”

Goals of the Bozeman Public School District

Goal Area 1: Academic Performance:

Every student meets or exceeds the high academic standards of the Bozeman Public School District.

Goal Area 2: Operations and Capacity Building:

District operations, facilities and human resources support an efficient and progressive educational system.

Goal Area 3: Community Engagement and External Relations:

Bozeman Public Schools has created an environment in which parents, community, legislators and all education stakeholders are supportive, engaged, and contribute to successfully educate our students.

Goal Area 4: Student Success/Safety/Health/Welfare:

Bozeman Public Schools has effective systems in place for students to learn and staff to work in a safe and healthy environment.



Welcome to the Bozeman Public Schools Board of Trustees meeting!

If this is your first meeting

If this is your first time attending a meeting, let us extend our special welcome! These meetings are designed to give everyone the opportunity to participate in seeing how the Bozeman trustees facilitate school business.

What is the purpose of these meetings?

The meetings of the Bozeman Public Schools Board of Trustees are always open to the public. These meetings are held to officially conduct the business of the school district, as governed by Montana law. Trustees are responsible for key decisions, some of which include hiring of employees, reviewing negotiated agreements, approving new curriculum or changes to existing curricula, facility usage requests, and paying of monthly expenses.

How can I address the trustees?

Public Participation on Non-Agenda Items is the time for comment on public matters that are not on the agenda. Members of the audience are encouraged to briefly address the trustees on an issue that is not on the agenda. The Chair of the Board will seek comments from the audience on significant items as they occur. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order.

The Board meeting will be held exclusively using Zoom. The Zoom format will provide for clearer two-way communication and maximize the number of people who can participate. There will not be an “on site in person” meeting. [Zoom Meeting Link](#)

Remember our Disclaimer:

This is the time for comment on public matters that are not on the agenda. Members of the audience are encouraged to briefly address the trustees on an issue that is not on the agenda. The Chair of the Board will seek comments from the audience on significant items as they occur. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order.

**BOARD OF TRUSTEES****TERM**

Sandra Wilson -- Board Chair	2021
Greg Neil -- Vice Chair	2023
Kevin Black	2023
Douglas Fischer	2021
Gary Lusin	2021
Tanya Reinhardt	2022
Wendy Tage	2021
Andrew Willett	2022

EXECUTIVE CABINET**POSITION**

Marilyn King	Interim Co-Superintendent
Casey Bertram	Interim Co-Superintendent
Chad Berg	Director of Special Education and Student Health
Pat Strauss	Director of Human Resources
Todd Swinehart	Director of Facilities
Mike Waterman	Director of Business Services

Public comment can be submitted electronically to trustees@bsd7.org

BOARD OF TRUSTEE STANDING COMMITTEE ASSIGNMENTS

Board of Trustee Standing Committees

Long-Range Strategic Planning (LRSP)

Trustees

Kevin Black
Greg Neil

Long-Range Facilities Planning (LRFP)

Trustees

Douglas Fischer
Gary Lusin
Wendy Tage

District Safety

Trustees

Andrew Willett
Tanya Reinhardt

BOARD OF TRUSTEE AD-HOC OR AS NEEDED COMMITTEES

Budget

Trustees

Douglas Fischer
Greg Neil
Andrew Willett
Sandy Wilson, Alternate

Teacher (BEA) Negotiations

Trustees

Gary Lusin
Greg Neil
Wendy Tage
Tanya Reinhardt, Alternate

BHS Construction Liaison

Trustees

Greg Neil
Wendy Tage
Sandy Wilson

Legislative Issues (Local Option Tax)

Trustees

Douglas Fischer
Tanya Reinhart, Alternate

TRUSTEE REPRESENTATION ON COMMITTEES/COUNCILS ASSOCIATED WITH BSD7

Bozeman Schools Foundation (BSF)

Trustees

Sandy Wilson

Wellness Advisory Liaison (WAC)

Trustees

Gary Lusin

Indian Ed for All (IEFA)

Trustees

Douglas Fischer

MTSBA Municipal Director and Delegates

Trustees

Gary Lusin, Municipal Director

Greg Neil, Delegate

Tanya Reinhardt, Delegate

Wendy Tage, Delegate

Sandy Wilson, Delegate

Douglas Fischer, Alternate

SCHOOL LIAISONS

Bozeman High School

Sandy Wilson

Gallatin High School

Sandy Wilson

Bridger Charter Program

Sandy Wilson

Chief Joseph Middle School

Tanya Reinhardt

Sacajawea Middle School

Kevin Black

Emily Dickinson Elementary School

Kevin Black

Hawthorne Elementary School

Wendy Tage

Hyalite Elementary School

Douglas Fischer

Irving Elementary School

Douglas Fischer

Longfellow Elementary School

Andy Willett

Meadowlark Elementary School

Wendy Tage

Morning Star Elementary School

Gary Lusin

Whittier Elementary School

Greg Neil

Bozeman School District #7

BOARD REOCCURRING CALENDAR



JULY

- Approve Bus Routes
- LRSP Annual Report
- Learning Materials Review Committee
- Preliminary Budget Review
- Set Health and Dental Insurance Price Tags
- Supplemental Book Adoption-One Book-One Bozeman and Bozeman Schools Foundation

AUGUST

- Opening School Activities
- Approve Final Budgets (on 2nd Monday)

SEPTEMBER

- One Book-One Bozeman Participation
- LRSP Implementation Framework and Reporting
- Approval to Enroll Students with Exceptional Circumstances

OCTOBER

- Attend Montana School Boards Association Annual Meeting
- Budget Development Calendar

NOVEMBER

- LRSP: Annual Facilities Master Plan Review
- Preliminary Enrollment and Projection Reports

DECEMBER

- High School New Course Proposals
- Hold Board/Employee Holiday Celebration
- Annual Facilities Master Plan Adoption/Capital Projects

JANUARY

- CAFR and Audit Report for prior year
- Consider MSHA Resolutions
- Building Reserve Allocation/Capital Projects
- Evaluate the Superintendent

FEBRUARY

- Call for Annual School Elections
- School District Calendar Approval

MARCH

- National Merit Awards
- Hold Budget Review Meetings
- Finalize Ballot Language
- Notice of Permissive Levy Increase
- Professional Development Plan Approval
- Board Resolution for Screen Free Week
- Out of State Field Trips and Travel
- Preliminary Budget Discussion

APRIL

- National School Boards' Association Annual Conference
- Hold Budget Review Meetings
- Teacher Appreciation Week
- District Technology Plan Approval
- RIF Notification

MAY

- Approve or Non-renewal of Teachers
- Hold Trustee Election (first Tuesday following first Monday)
- Reorganize the Board and Recognize Outgoing Members
- Request County Conduct Ensuing Year Elections
- Consider MSBA Resolutions
- Administrator Compensation Policy
- Federal Grant Applications
- Appointment of Bozeman Public Schools Foundation Directors

JUNE

- Recognize Retiring Staff
- Financial Approvals and Fund Balance Assignment and Commitments

MONTH VARIES

- Approve Employee Contracts
- Consider Policy Changes
- LRSP Mega Issues Dialogues
- Approve Curriculum Adoptions
- Approve Instructional Material Purchases
- Approve Memorandum of Understanding for Services
- Board Luncheon LRSP Reports

BOARD OF TRUSTEES

- Sandra Wilson, Chair
- Greg Neil, Vice Chair
- Kevin Black
- Douglas Fischer
- Gary Lusin
- Tanya Reinhardt
- Wendy Tage
- Andy Willett



Bozeman Public Schools Upcoming Board Meetings

*January 25	Monday	Special Board Meeting	5:45 PM
February 8	Monday	Regular Board Meeting	5:45 PM
*February 22	Monday	Special Board Meeting	5:45 PM
March 8	Monday	Regular Board Meeting	5:45 PM
*March 29	Monday	Special Board Meeting	5:45 PM
April 12	Monday	Regular Board Meeting	5:45 PM
*April 26	Monday	Special Board Meeting	5:45 PM
May 10	Monday	Regular Board Meeting	5:45 PM
*May 24	Monday	Special Board Meeting	5:45 PM
June 14	Monday	Regular Board Meeting	5:45 PM
*June 28	Monday	Special Board Meeting	5:45 PM

*The second meeting of every month is considered a “special board meeting” and will take place at the discretion of the Board Chair and Vice Chair if the agenda warrants holding a meeting.



Bozeman Public Schools

Calendar

2020-2021

PIR Dates & Conferences - No School

August 26-28, 31	K-12 PIR Day
September 1-4	K-12 PIR Day
September 28	K-12 PIR Day
October 15-16	Flex K-12 PIR Day
January 18	K-12 PIR Day
January 25-26	9-12 PIR Day
April 8-9	K-5 P/T Conferences
April 8	K-8 PIR Day
April 9	K-12 PIR Day
May 28	K-8 PIR Day
June 11	K-12 PIR Day

Holidays & School Closures- No School

September 7	Labor Day
November 25-27	Thanksgiving
December 21-January 1	Winter Break
January 18	Martin Luther King Jr.
February 15	President's Day
March 15-19	Spring Break
May 31	Memorial Day

Important Dates

September 8	School Begins K-12
June 6	HS Graduation!
June 10	Last Day of School Students released at 12:45pm

Grading Periods

K-5:	January 22 June 10
6-8:	Midterm 1: October 9 Trimester 1: November 20 Midterm 2: January 15 Trimester 2: March 5 Midterm 3: April 23 Trimester 3: June 10
9-12:	Period 1 - October 9 Period 2 - November 20 1st Semester - January 22 Period 1 - March 5 Period 2 - April 23 2nd Semester - June 10

JULY • 2020						
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AUGUST • 2020						
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SEPTEMBER • 2020						
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OCTOBER • 2020						
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DECEMBER • 2020						
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JANUARY • 2021						
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FEBRUARY • 2021						
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MARCH • 2021						
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APRIL • 2021						
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MAY • 2021						
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JUNE • 2021						
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27	28	29	30			

Revised: 10/28/2020

Please note that our individual schools might have additional important dates related to other school functions.
Please check with your local school for these dates and events.

[Double Click to Return to Agenda](#)