

## MONTANA SCHOOL FOR THE DEAF AND BLIND PHILOSOPHY, ROLE AND FUNCTION, VISION AND MISSION, AND GOALS

*“Education, Communication and Independence for Life” - the belief statement of the Montana School for the Deaf and the Blind.*

### Role and Function

The Montana School for the Deaf and the Blind (MSDB) established in 1893, is mandated by the Legislature of Montana to provide educational services to hearing and visually impaired children, ages 0 to 21, whose impairment is such as to preclude their making normal progress in regular public schools. The school operates under the authority of MCA 20-8-101 through 20-8-121. The State Board of Public Education is charged by statute with responsibilities for policy and governance of the school.

The role of the MSDB is to provide statewide resource services for sensory impaired children. The functions of the school shall include:

1. Assessment, specialized educational instruction, and residential placements for deaf and blind children whose hearing or sight is so defective that they cannot be successfully taught and are unable to receive a sufficient or proper education in the public schools of the state. By use of specialized methods, materials and equipment MSDB will provide an education for the hearing impaired and visually impaired children of this state that is commensurate with the education provided to nonhandicapped children in the public schools and that will enable children being served by the school to become independent and self-sustaining citizens.
2. Consultative services, training and support to parents of children with sensory impairments not yet enrolled in an educational program.
3. Upon request, consultative services, training, and technical assistance to public schools of the state where sensory impaired children are enrolled.
4. Information and referral services to other state agencies, organizations and individuals concerned with services to similarly impaired people so as to provide sensory impaired children with an appropriate comprehensive education.
5. Maintenance of a system for tracking a child identified as hearing impaired or visually impaired from the time of impairment identification through the child's exit from intervention or educational services.

### Philosophy

The philosophy of MSDB is to extend to all children with sensory impairments their rightful heritage--an educational program so planned, adapted, and conducted as to provide them the education and opportunity to take their rightful place in a democratic society. Fundamentally, the purpose of education for children with sensory impairments is to attain attitudes and understanding, skills and abilities, and knowledge which make it possible for them to become self-supporting, contributing members of society.

MSDB provides statewide resource services for sensory impairments to meet the psycho-socio-educational needs of children with sensory impairments. Hearing impairment and visual impairment are the most severe of all educational handicaps. Nevertheless, it is our belief that the hearing impaired child and the visually impaired child can overcome these handicaps sufficiently to compare favorably with hearing and sighted peers in intellectual, social and emotional development.

### Vision and Mission

The vision of the Montana School for the Deaf and the Blind is to promote and maintain excellent and comprehensive educational opportunities for every deaf, hard-of-hearing, blind, low vision and deaf-blind child in Montana which shall lead to the highest potential for adult life of independence and self-sufficiency; a meaningful personal, family and community life; and a useful, productive occupational life.

As part of Montana's educational system, the Montana School for the Deaf and the Blind is committed to promote and provide free and appropriate educational opportunities statewide, for children who are deaf, hard of hearing, blind, low vision and deaf-blind ages birth to twenty-one. This comprehensive education ensures these children achieve their greatest potential for independence and success.

### Goals

Among the major objectives of the school are:

1. To ensure that parents of children with sensory impairments have access to parent services inclusive of information, referral, counseling to help the family adjust to the handicapping condition of hearing impairment or visual impairment and to assist them as they participate in the educational planning and programming for their child.
2. To ensure that preschool children with sensory impairments have access to early educational intervention services in the home in efforts to minimize the educational delay common to the handicapping condition of deafness and blindness.
3. To ensure that school-age children with sensory impairments have access to specialized educational direct services germane to the child's handicapping condition inclusive of language acquisition, speech development, when appropriate orientation and mobility or sign language skills, and maximum use of residual hearing and residual vision.
4. To ensure that early intervention service providers, public school personnel, other state agencies, organizations and individuals concerned with the education of sensory impaired children, have access to consultative services, training, and technical assistance which will support them in providing appropriate educational services to these children.
5. To ensure that children with sensory impairments have access to a comprehensive educational program which includes an instructional program ranging from preschool to twelfth grade, extra-curricular activities, social education program, athletics, vocational education, and supportive services comparable to that of educational opportunities generally afforded to non-handicapped children.

6. To ensure that children with sensory impairments have access to vocational education and vocational training which will enable the student to make a choice in both a vocation and a path for post secondary training and to develop marketable skills for employment.
7. To ensure that children with sensory impairments have access to residential facilities inclusive of child care services, health services, recreational services, and social education, which includes training in social adjustment and self concept development.

**MONTANA SCHOOL FOR THE DEAF AND BLIND  
GREAT FALLS, MONTANA**

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## **MSDB**

### **THE BOARD OF TRUSTEES**

#### Legal Status and Operation 1000

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

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

<u>Legal Reference:</u>	§ 20-3-323, MCA	District policy and record of acts
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 11-04-05

Revised on: 11-14-14

## **MSDB**

### **THE BOARD OF TRUSTEES**

#### Organization 1100

The legal name of this School is the Montana School for the Deaf and the Blind, Cascade County, State of Montana. The School is classified as a state supported special purpose school and must be operated as a separate and independent unit and school of the State of Montana under the general supervision, direction and control of the Board of Public Education.

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

<u>Legal References:</u>	20-8-101 MCA	Montana School for the Deaf and the Blind-
		State Supported Special School
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 11-04-05

Revised on: 11-14-14

## **MSDB THE BOARD OF TRUSTEES**

### Adoption and Amendment of Policies 1310

Proposed new policies and proposed changes in existing policies shall be presented in writing for reading and discussion at a regular Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the Superintendent prior to the second (2<sup>nd</sup>) reading. The final vote for adoption shall take place not earlier than at the second (2<sup>nd</sup>) reading of the particular policy.

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

Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and shall also be included in the School's policy manual. Policies of the School shall be reviewed annually by the Superintendent.

### Policy Manuals

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

### Suspension of Policies

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

Legal References:      § 20-3-323, MCA  
                                    10.55.701, ARM

District policy and record of acts  
Board of Trustees

### Policy History:

Adopted on: 11-04-05

Revised on:

**MSDB**  
**THE BOARD OF TRUSTEES**

Records Available to Public 1401

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

In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies will be available within a reasonable amount of time following the request.

Fees will be charged as follows:

- a) Copy of Board minutes or other materials - 15¢ per page
- b) Time spent researching a copy project will be charged at the employee's hourly rate of pay.

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

Policy History:

Adopted on: 11-04-05

Revised on:

## **MSDB THE BOARD OF TRUSTEES**

### School Board Meeting Procedure 1420

#### Agenda

The agenda for any MSDB Committee of the Board of Public Education meeting shall be prepared by the Superintendent. Items submitted by Board members to the Superintendent shall be placed on the agenda. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent at least 15 days before the MSDB Committee meeting, unless of immediate importance. Individuals who wish to be placed on the meeting agenda must also notify the Superintendent, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any School employee, the individual filing the complaint must demonstrate the Uniform Grievance Procedure step process has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda need not request placement on the agenda, and may ask for recognition by the Committee Chairman at the appropriate time.

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

Upon consent of the majority of the members present, the order of business at any meeting may be changed. Copies of the agenda for the current MSDB Committee meeting, minutes of the previous MSDB Committee meeting, and relevant supplementary information will be prepared and distributed to each MSDB Committee member at least forty-eight (48) hours in advance of the MSDB Committee meeting, and will be available to any interested citizen at the Superintendent’s office twenty-four (24) hours prior to the MSDB Committee meeting. An agenda for other types of MSDB Committee meetings will be prepared if the circumstances necessitate an agenda.

#### Minutes

Staff shall keep written minutes of all open MSDB Committee meetings.  
The minutes shall include:

- The date, time, and place of the meeting;
- The presiding officer;
- MSDB Committee members recorded as absent or present;
- A summary of discussion on all matters discussed (including those matters discussed

- during the “public comment” section), proposed, deliberated, or decided, and a record of any votes taken; and
- Time of adjournment.

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

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

Cross Reference:      1441    Audience Participation

<u>Legal Reference:</u>	§ 2-3-103, MCA	Public participation - governor to ensure guidelines
	§ 2-3-212, MCA	Minutes of meetings – public inspection
	§ 20-1-212, MCA	Destruction of records by school officer
	§ 20-3-323, MCA	School policy and record of acts

Policy History:

Adopted on: 11-04-05

Revised on:

## MSDB THE BOARD OF TRUSTEES

### Audience Participation 1441

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the public's statutory and constitutional rights to participate in governmental operations. In order to permit fair and orderly expression of such comment, the Board will permit public participation through oral or written comments during the "public comment" section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairman may control such comment to ensure an orderly progression of the meeting.

Individuals wishing to be heard by the Chairman shall first be recognized by the Chairman. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairman may interrupt or terminate an individual's statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. **It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairman.**

Cross Reference: 1420 School Board Meeting Procedure

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

### Policy History:

Adopted on: 11-04-05

Revised on:



**MSDB**  
**THE BOARD OF TRUSTEES**Board-Superintendent Relationship 1521

The Board-Superintendent relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and the Superintendent.

The Board hires, evaluates, and seeks the recommendations of the Superintendent as the School chief executive officer. The Board adopts policies necessary to provide the general direction for the School and to encourage achievement of School goals. The Superintendent develops plans, programs, and procedures needed to implement the policies and directs the School's day-to-day operations.

Cross Reference: 6110 Superintendent

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: 11-04-05

Revised on: 11-14-14

**MSDB**  
**THE BOARD OF TRUSTEES**Annual Goals and Objectives 1610

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: 11-04-05

Revised on:

**MSDB**  
**THE BOARD OF TRUSTEES**Board Participation in Activities 1640

Members of the Board, collectively and individually, are encouraged to attend school activities, social functions, and instructional programs, in order to view and observe such functions in operation. Attendance at such programs as musical presentations, speech activities, clubs, dramatic productions, and athletic events, indicates interest in school affairs and provides opportunity for more comprehensive understanding of the total school program. Administration will provide appropriate communications to trustees to keep them informed about activities they may wish to attend.

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: 11-04-05

Revised on: 11-14-14

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## **MSDB INSTRUCTION**

### Goals 2000

The Montana School for the Deaf and Blind's educational program will seek to provide an opportunity for each child to develop to his or her maximum potential. The objectives for the educational program are:

- To foster self-discovery, self-awareness and self-discipline
- To help each student develop reading and writing skill through the implementation of a comprehensive literacy-based curriculum which meets the unique educational needs of sensory impaired children
- To provide fundamental career concepts and skills
- To assure each student a successful transition from school to work, post-secondary education or training through the implementation of a comprehensive curriculum that focuses on the unique skills necessary for sensory impaired children to communicate, live independently, work and be an active member of his or her community
- To help the student develop sensitivity to the needs and values of others and respect for individual and cultural differences
- To help each student strive for excellence and instill a desire to reach the limit of his or her potential
- To develop the fundamental skills which will provide a basis for lifelong learning

The administrative staff is responsible for apprising the Board of the educational program's current and future status. The Superintendent should prepare an annual report that includes a review and evaluation of the School's strategic and comprehensive educational plans and establishment of goals and objectives as they relate to:

- A review and evaluation of the present curriculum
- A projection of curriculum and resource needs
- A plan for new or revised instructional program implementations
- A review of present and future facility needs

Legal Reference:      10.55.701, ARM      Board of Trustees  
                                  10.55.601, ARM      Accreditation Standards

### Policy History:

Adopted on: 07-18-03

Revised on:

**MSDB  
INSTRUCTION**Objectives 2010Accreditation Standards

The Board of Public Education will review the state accreditation standards annually and provide in each school building at least one (1) copy of the standards for staff and public review.

Continuous Progress Education

The Board acknowledges its responsibility for developing and implementing a curriculum designed to provide for sequential intellectual and skill development necessary for students to progress on a continuous basis from elementary through secondary school.

The Superintendent is directed to develop instructional programs, which will enable each student to learn at the student's best rate. Based on each student's Individual Education Plan, the instructional program shall strive to provide for:

1. placement of a student at the student's functional level;
2. learning materials and methods of instruction considered to be most appropriate to the student's learning style; and
3. evaluation to determine if the desired student outcomes have been achieved.

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

Policy History:

Adopted on: 07-18-03

Revised on:

## **MSDB INSTRUCTION**

### Significant Writing Policy 2011

The Montana School for the Deaf and the Blind (MSDB) serves students who are deaf, hard of hearing, blind, visually impaired, or deafblind. These students often have challenges in accessing and understanding spoken language. Students who are deaf, hard of hearing, or deafblind may need access to sign language and students who are blind, visually impaired, or deafblind may need access to braille.

For some deaf, hard of hearing, or deafblind students, English (spoken, in writing, or in reading) is sometimes a language to be learned as a second language. Other students who are deaf, hard of hearing, or deafblind may not be able to fully access spoken English and might have gaps in reading and writing skills. Most deaf, hard of hearing, or deafblind students have Individualized Education Plan (IEP) goals to address learning in reading and/or writing.

For some students who are blind, visually impaired, or deafblind, English may be accessed through learning braille. Students typically start by learning uncontracted braille. Braille consists of cells (a full cell is 6 raised dots arranged in 2 columns of 3 dots) where various raised dots represent letters, combinations of letters, or whole words. In uncontracted braille, each cell corresponds to an individual letter of the alphabet. As students' braille and reading skills increase, they must learn contracted braille where 186 contractions represent various letter combinations or whole words. Some students who are blind, visually impaired, or deafblind; may have IEP goals related to reading, writing, and/or braille.

For students who have goals in reading, writing and/or braille; MSDB's "significant writing policy" is individualized for each student according to their Individualized Education Plan (IEP). For students on 504 plans or who do not have goals in reading, writing, and/or braille, they will follow the general education course of study related to the Common Core English and Language Arts Standards.

<u>Cross Reference:</u>	2000 2010	Instruction Goals Instruction Objectives
<u>Legal Reference:</u>	§ 20-3-324, MCA § 20-4-402, MCA § 20-7-602, MCA 10.55.603, ARM 10.55.701, ARM	Powers and duties Duties as district superintendent or county high school principal Textbook selection and adoption Curriculum development and assessment Board of Trustees

### Policy History:

Adopted on: 3-13-2015

Revised on:

**MSDB  
INSTRUCTION**School Calendar, Length of School Year, and Required School Vacations 2100

The Board establishes as policy that the administration of the Montana School for the Deaf and the Blind shall:

1. Develop and submit for Board approval a yearly school calendar having not less than 180 or more than 186 instructional days.
2. Such yearly calendar may be adjusted to coincide with the school calendar adopted by Great Falls School District #1.
3. Require that all children residing in the school cottages go to their respective homes or to other destinations specified by their parents or guardians for all residential closings during the year.

Policy History:

Adopted on: 10-14-92

Revised on:



## **MSDB INSTRUCTION**

### Curriculum Development and Assessment 2120

The Board of Public Education is responsible for the oversight of curriculum adoption, including the adoption of new textbooks and new courses; duties which are delegated to the Superintendent. The curriculum shall be designed to accomplish the learning objectives and goals for excellence contained in the Montana School for the Deaf and the Blind's educational philosophy, mission statement, objectives, and goals.

### Development and Assessment

A written sequential curriculum shall be developed for each subject area. The curricula shall address learner goals, content and program area performance standards and School education goals, and shall be constructed to include such parts of education as content, skills, and thinking. A curriculum review cycle and time lines for curriculum development and evaluations shall be developed as well.

The staff and administration will suggest materials and resources, to include supplies, books, materials and equipment necessary for development and implementation of the curriculum and assessment that are consistent with the goals of the education program. These materials shall be reviewed at least every five (5) years.

In all program areas and at all levels, the School shall assess student progress toward achieving learner goals and program area performance standards including: the content and data; the accomplishment of appropriate skills; the development of critical thinking and reasoning; and attitude. The School will use assessment results to improve the education program, and use effective and appropriate tools for assessing such progress. This may include, but is not limited to: standardized tests; criterion-referenced tests; teacher-made tests; ongoing classroom evaluation; actual communication assessments such as writing, speaking, and listening assessments; samples of student work and/or narrative reports passed from grade to grade; samples of students' creative and/or performance work; and surveys of carry-over skills to other program areas and outside of school.

<u>Cross Reference:</u>	2000	Instruction Goals
	2010	Instruction Objectives
<u>Legal Reference:</u>	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties as district superintendent or county high school principal
	§ 20-7-602, MCA	Textbook selection and adoption
	10.55.603, ARM	Curriculum development and assessment
	10.55.701, ARM	Board of Trustees

### Policy History:

Adopted on: 7-18-03

Revised on: 11-14-14

## MSDB INSTRUCTION

### Program Evaluation and Student Assessment 2130

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

1. A clear statement of expectations and purposes for the School's instructional program
2. A provision for staff, resources, and support to achieve the state expectations and purposes; and
3. A plan for evaluating instructional programs and services to determine how well expectations and purposes are being met. Evaluation of the education program is based in part on the results of norm referenced and/or criterion referenced tests administered to students on no less than an annual basis.

Parents who wish to examine any assessment materials may do so by contacting the Superintendent. Parental approval is necessary before administering an individual intelligence, developmental, communication, assistive technology, speech and language, English proficiency, observational or social-emotional, behavioral or classroom based assessments, academic achievement tests, norm referenced and/or criterion referenced tests, local assessments or vocational evaluations. No tests or measurement devices containing any questions about a student's or the student's family's personal beliefs and practices in family life, morality, and religion shall be administered, unless the parent gives written permission for the student to take such test, questionnaire, or examination.

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

<u>Cross Reference:</u>	3111 Student	Procedures for Evaluation and Determination of Eligibility
	3601 Student	Confidentiality of Personally Identifiable Information
	3114 Student	Procedural Safeguards
	2000 Instruction	Goals
<u>Legal Reference:</u>	20 U.S.C. § 1232h	Protection of Pupil Rights
	10.55.603, ARM	Curriculum Development and Assessment
	10.56.101, ARM	Student Assessment
	PL 105-17, Sec.615	Procedural Safeguards
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 11-16-03

Revised on: 11-13-14

## **MSDB INSTRUCTION**

### Gifted Program      2166

To the extent possible within resources available, all gifted and talented students shall have the opportunity to participate in appropriate educational programs. The term “gifted and talented” means students in grades K-12 who are exceptional by virtue of markedly greater than average potential or demonstrated abilities in specific academic areas, visual/performing arts, leadership, general intellectual abilities, or creative thinking and whose exceptionality requires special education programming to supplement the regular core curriculum.

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

In developing Individualized Education Plans for students who are identified as “gifted and talented” the IEP team may consider programming that:

1. Provides identified gifted students with flexible pacing options and opportunities designed to encourage their individual progress.
2. Provides support for the social/emotional needs of identified gifted students.
3. Identifies, utilizes and involves family and community resources to expand opportunities for gifted students.
4. Provides services and materials, which will serve as a resource for teachers and families of identified gifted students.

<u>Legal References:</u>	§§ 20-7-901 through 904, MCA 10.55.804, ARM	Gifted and talented children Gifted and Talented
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#### Policy History:

Adopted on: 11-14-2014

Revised on:

## **MSDB INSTRUCTION**

### Distance, Online, and Technology Delivered Learning 2169

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

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

1. The distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the School and be aligned with state content and performance standards.
2. The School shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology delivered programs.
3. The School will provide qualified instructors and/or facilities as described in ARM 10.55.907(3)(a)(b)(c).
4. The School will ensure that the distance, online, and technology delivered learning facilitators receive in-service training on technology delivered instruction as described in ARM 10.55.907(3)(d).
5. The School will comply with all other standards as described in ARM 10.55.907(4)(5)(a-e).

The School will permit a student to enroll in an approved distance learning course, in order that such student may include a greater variety of learning experiences within the student’s educational program. Credit for distance learning courses used to meet graduation requirements may be granted, provided the following requirements are met:

1. Prior permission has been granted by the Principal.
2. The program fits the Individual Education Plan submitted by the student’s IEP team.
3. The course does not replace a required course offered by the School.
4. The course is needed as credit retrieval and cannot fit into the student’s schedule.
5. Credit is granted for schools and institutions approved by the School after evaluation for a particular course offering.

Individual student circumstances may be evaluated by a team established by the Principal. The School will not be obligated to pay for a student’s distance learning courses.

Legal Reference:

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

Policy History:

Adopted on: 11-16-03

Revised on: 11-13-14

## **MSDB INSTRUCTION**

### School and Cottage Closures 2221

All students, parents, and school employees should assume that school will be in session and busses running as scheduled, unless there is official notification from the Superintendent to the contrary. Such notice will be given via public media.

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

In the event that a school closure occurs when students are in residence, a determination by the Superintendent and the dean of students as to whether students will be sent home based on the nature and length of the closure. Parents of residential students will be contacted if the closure necessitates moving the students from the residential facilities or sending them home.

### Work Schedules and Responsibilities for School Closures

#### Superintendent

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

#### Administrative and General Service Program Personnel

Administrative and general service program personnel shall be expected to report for duty on their assigned shifts in the event of any school closure insofar as is safely possible. Additional hours may be required, especially of the maintenance supervisor, and business manager, depending on the nature of the emergency. If it is absolutely impossible for an administrator to report for duty, the administrator may take the day as a personal leave day or vacation day with the permission of the Superintendent. The program administrators shall ascertain that all buildings have been adequately secured and that any child who mistakenly reports to school (in the event that school has been closed) is properly and safely cared for and returned home. The administrator and this minimal support staff shall notify other staff and/or other support employees of the situation and shall respond to telephone questions. When the situation has been stabilized, the personnel who reported to work may choose to return home. Anyone who does not work a normal day shall then adjust his/her work year, by memorandum to the Superintendent, by the number of hours not worked on the day or days of school closure. If a classified employee is unable to or does not report for duty, the employee shall complete a leave request form to declare the day as either personal leave, vacation, or leave without pay.

### Student Services Program Personnel

In the event that a school closure occurs when students are in residence, cottage life attendants, counselors, food service workers and health service workers must, insofar as is safely possible, report to work as scheduled, or as directed by their immediate supervisor. If a classified or contracted employee is unable to or does not report for duty, the employee shall complete a leave request form to declare the day as either personal leave, vacation, or leave without pay.

### Education Program Personnel

If schools are closed for weather or other emergency conditions, teachers, teacher assistants, interpreters, librarians and support staff are not expected to report for duty unless directed otherwise. Education staff will need to submit a leave request form. On days when education staff members are unable to report to work they must complete a leave request form and record time as “other”. In cases of school closures, it is customary for the days to be made up at another time; thus contracted education staff will typically still fulfill their contract days.

Legal Reference:      § 20-9-801, MCA      Emergency school closure

### Policy History:

Adopted on: 11-16-03

Revised on:

**MSDB  
INSTRUCTION****Summer Programs** 2240

Upon application to and approval by the Board of Public Education contingent on availability of funding, the Montana School for the Deaf and Blind may conduct instructional and/or educational programs during the summer months.

**Legal Reference:** 10.61.103, ARM

**Policy History:**

Adopted on: 10-14-92

Revised on:



## **MSDB INSTRUCTION**

### Library Materials 2310

The Montana School for the Deaf and the Blind (MSDB) has a library and Instructional Materials Center (IMC) with the primary objective of implementing and supporting the educational programs in the Department for the Visually Impaired and Department for the Deaf and Hard of Hearing as well as the Outreach Program. It is the objective of the library to provide a wide range of materials in mediums that are accessible to students who are deaf, hard of hearing, blind, visually impaired, or deafblind at appropriate levels of difficulty, with diversity of appeal.

The provision of a wide variety of library materials at all reading levels and in a variety of mediums supports the School's basic principle that the school assists all students to develop their literacy skills and interests fully so that they become capable of contributing to the further good of society.

In support of these objectives, the Board of Public Education reaffirms the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the School Library Bill of Rights, endorsed by the American Association of School Librarians in 1969.

Although the Superintendent is responsible for the selection of library materials, the ultimate responsibility rests with the Board.

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

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

Students, families, public school personnel, Family Support Specialists and community health providers who are served by *any* program of MSDB may borrow books and materials from *any* part of the collection currently available at the MSDB library (excluding reference materials, journals and computer software). This includes students, families and professionals served by the on-campus education program in Great Falls, as well as those served by off-site Consultants and Family Advisors with the Outreach Program.

Community members and others *not* affiliated with MSDB may borrow books or materials from the *professional collection* only. Under special circumstances, exceptions may be made at the Librarian's discretion. The use of the library books outside of the School or circumstances specified in this policy is prohibited except for inter-library loan agreements with other libraries.

(NOTE: BY STATUTE, THE SUPERINTENDENT HAS AUTHORITY AND IS RESPONSIBLE FOR SELECTION OF LIBRARY MATERIALS SUBJECT TO THE APPROVAL OF THE BOARD. THE SUPERINTENDENT AND BOARD MAY NOT WANT TO DELEGATE THE RESPONSIBILITY.)

<u>Legal Reference:</u>	§ 20-4-402(5), MCA	Duties of District Superintendent or County High School Principal
	§20-7-203, MCA	Trustees' policies for School Library
	§20-7-204, MCA	School Library Book Selection
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: 11-16-03  
 Revised on: 11-14-14  
 11-17-16

## **MSDB INSTRUCTION**

### Procedure for Development of Library Media Collection 2310P

The selection of library materials is a professional task conducted by the library staff. In selecting library materials, the Librarian will evaluate the existing collection; assess curricula needs; consult with teaching and cottage staff and administration and examine materials and consult reputable, professionally prepared selection aids.

### Materials Selection Procedures

1. Criteria for Selection – The following criteria will be used for the selection of materials, where applicable. Materials shall:
  - a. Support and be consistent with the general educational goals of the school.
  - b. Support and be consistent with the objectives of specific courses.
  - c. Be of a medium which is accessible and suitable for students who are deaf, hard of hearing, blind, visually impaired, or deafblind.
  - d. Be current.
  - e. Have aesthetic, literary or social value.
  - f. Be appropriate for the subject area and for the age, emotional development, ability level and social development of those for whom the materials are selected.
  - g. Be created by competent and qualified authors and producers.
  - h. Be chosen to foster respect for and gain an understanding of the contributions made to our civilization by minority and ethnic groups.
  - i. Provide a stimulus to creativity.
  - j. Represent differing viewpoints on controversial subjects with the goal of providing a balanced collection.
  - k. Be of acceptable technical quality.
  - l. Be selected in multiple copies when demand warrants.
2. Process of Selection
  - a. During the selection process, the Librarian(s) will evaluate the existing collection and assess curriculum and recreational needs. The library(s) will consult:
    - i. Reputable, unbiased, professionally prepared selection aids.
    - ii. Teachers various departments and/or grade levels.
    - iii. Cottage Life Attendants.
    - iv. Bibliographies listed in textbooks adopted by the School.
    - v. Recommendations from school personnel, students, and parents/families.
  - b. To insure proper quality in content and technical aspects, materials may be ordered for preview before purchase.
  - c. A list of proposed reading materials will be made available for review by families, Teachers, Cottage Life Attendants and students prior to ordering.
  - d. Recreational reading materials that have been ordered and received will be available for preview by families, Teachers, Cottage Life Attendants and students.

### Parental Discretion

Parents may request in writing that their minor child/children not be allowed to check out specific book titles, authors, and/or subjects.

### Weeding

When materials no longer meet the criteria for selection, they shall be weeded. Weeding is a necessary aspect of selection, since every library will contain works which may have answered a need at the time of acquisition, but which, with the passage of time, have become obsolete, dated, unappealing, or worn out.

Discarded materials will be clearly stamped:

“WITHDRAWN FROM MONTANA SCHOOL FOR THE  
DEAF AND THE BLIND LIBRARY”

Materials will be discarded in compliance with § 20-6-604, MCA *and with State agency regulations*.

### Materials Reconsideration Procedures (complaint procedure)

If a complaint is made (a complaint is defined as a verbal or written statement of opposition to a resource, requesting that it be reconsidered), the steps to be followed are:

1. Each complainant should be directed to the Principal.
2. The Principal will invite the complainant to complete and return the prepared reconsideration form.
3. The Principal will notify the Librarian.
4. If a reconsideration form is completed the Principal will organize a committee (the Principal, two Teachers, the Librarian, at least one parent, and a student representative) to reconsider the material. The committee will make its recommendation within ten (10) school days.
5. The Principal will notify the complainant of the committee decision. If the complainant requests further action, the reconsideration form and school committee decision will be directed to the Superintendent.
6. The Superintendent will appoint a committee (the Librarian, one parent, one Teacher, one building administrator and a student representative) to re-evaluate the material being questioned and to make recommendations.
7. The Superintendent and the committee may call in representative citizens for consultation.
8. Materials will be reviewed and reconsidered in light of objections raised. The committee will make its recommendation to the Superintendent within ten (10) school days.
9. The committee's recommendation will be sent in writing to the complainant by the Superintendent within five (5) school days.
10. Within ten school days after receipt of the committee's decision, the complainant may appeal to the Board of Public Education. The chairperson of the Board may appoint a

committee of, but not limited to, two Board members, one Administrator, one Teacher and the Librarian. If appointed, the committee will submit a recommendation to the Board for its consideration. In the alternative, the Board may review the complaint as a body-of-the-whole.

### Gifts

Gift materials may be accepted with the understanding that they must meet criteria set for book selection. All gifts will be received by the School through the MSDB Foundation, Inc.

Cross Reference: INSTRUCTION 2314 Textbook and Instructional Materials  
Reconsideration

Legal Reference: §20-4-402(5), MCA Duties of District Superintendent or County High School  
§20-7-203, MCA Trustees' Policies for School Library  
§20-7-204, MCA School Library Book Selection  
10.55.701, ARM Board of Trustees

### Policy History:

Adopted on: 11-16-03

Revised on: 11-14-14

11-17-16

## **MSDB INSTRUCTION**

### Selection, Review and Removal of Textbooks and Instructional Materials 2311

The Board of Public Education is responsible for the selection, approval and provision of textbook and instructional materials (not to include personal consumable materials) necessary for a free public education; duties which are delegated to the Superintendent.

Textbooks and instructional materials, for the purposes of this policy, shall be considered to be any material used in classroom instruction, library materials, software or any materials to which a teacher might refer a student as part of the course of instruction. This includes instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Items that may be recommended, but are not necessary, for the successful completion of required courses and items required for elective courses are to be purchased on an optional basis by the student.

Textbooks and instructional materials should provide quality learning experiences for students and:

- Provide for strong instructional support in core curriculum areas, particularly in the areas of reading and writing and the expanded core areas of vocational and life skills.
- Stimulate growth in knowledge, and skills for the functional application of that knowledge.
- Provide background information to enable students to make intelligent judgments.
- Present opposing sides of controversial issues.
- Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science, and social studies should be reviewed at intervals not exceeding five (5) years. All instructional materials must be sequential and must be compatible with previous and future offerings.

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

Removal

Textbooks may be removed when they no longer meet the criteria for initial selection, when they are worn out, or when they have been judged inappropriate through the Learning Materials Review Process.

Parental Review of Textbooks and Instructional Material

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

Parents or community members objecting to specific materials used in the School are encouraged to submit a complaint in writing and discuss the complaint with the principal prior to pursuing a formal complaint pursuant to the Materials Reconsideration Procedures (complaint procedure) Policy Instruction 2310P.

<u>Cross Reference:</u>	2314 Instruction 2310P Instruction	Textbook and Instructional Materials Reconsideration Procedure for Development of Library Media Collection
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<u>Legal Reference:</u>	§ 20-4-402, MCA	Duties of District Superintendent or County High School Principal
	§ 20-7-601, MCA	Free Textbook Provisions
	§ 20-7-602, MCA	Textbook Selection and Adoption
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: 11-16-03

Revised on: 11-14-14

## **MSDB INSTRUCTION**

### Procedure for Selection, Adoption and Removal of Textbooks and Instructional Materials 2311P

Curriculum committees will generally be responsible to recommend textbooks and major instructional materials purchases. Recommendations will be made to the Superintendent. The function of the committee is to ensure that materials are selected in conformance with stated criteria and established School goals and objectives. A curriculum committee will consist of representatives of the teachers, administrators and parents of students from the department for which the materials are being purchased. The selection for committee membership should be open, fair and result in a constituency that can best represent the needs of the students.

#### Selection and Adoption

Textbooks shall be selected by a curriculum committee representing the various staff who will likely be using the text. In most, but not all cases, an administrator will chair the committee. Each committee should develop, prior to selection, a set of selection criteria against which textbooks will be evaluated. The criteria should include the following along with other appropriate criteria. Textbooks shall:

- Be congruent with identified instructional and curricular objectives,
- Be aligned with State adopted academic standards,
- Be appropriate to the instructional needs of sensory impaired students
- Present more than one viewpoint on controversial issues,
- Facilitate the sharing of cultural differences,
- Be priced appropriately.

#### Removal

Textbooks may be removed when they no longer meet the criteria for initial selection, when they are worn out, or when they have been judged inappropriate through the five (5) year curriculum review process.

<u>Legal Reference:</u>	§ 20-4-402, MCA	Duties of District Superintendent or County High School Principal Textbook Selection and Adoption Board of Trustees
	§ 20-7-602, MCA	
	10.55.701, ARM	

#### Policy History:

Adopted on: 11-14-03

Revised on: 11-14-14



## **MSDB INSTRUCTION**

### Copyright 2312

The Montana School for the Deaf and Blind (MSDB) recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio, visual, electronic or printed materials, and computer software, unless the copying or using conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, new reporting, teaching, scholarship or research.

While MSDB encourages staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of School staff to abide by MSDB’s copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for MSDB staff to violate copyright requirements in order to perform their duties properly.

Any staff member who is uncertain whether reproducing or using copyrighted materials in a particular instance complies with the MSDB’s procedures or is permissible under the law should contact the Superintendent. The Superintendent will assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required.

Legal Reference:      17 U.S.C. 101-1010      Federal Copyright Law of 1976  
                                  10.55.701, ARM              Board of Trustees

### Policy History:

Adopted on: 07-18-03

Revised on: 11-14-14

11-17-16

## **MSDB INSTRUCTION**

### Procedure for Copyright Compliance 2312P

#### Authorized Reproduction and Use of Copyrighted Material in Print

In preparing for instruction, a teacher may make or have made a single copy of a chapter from a book; an article from a newspaper or periodical; a short story, short essay, or short poem; or a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper. A teacher may make multiple copies, not exceeding more than one (1 per pupil, for classroom use if the copying meets the tests of “brevity, spontaneity and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright.

1. Brevity
  - a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
  - b. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.)
  - c. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this includes children’s books combining poetry, prose, or poetic prose.
2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher.
3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers and current new sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. “Consumable” works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers’ reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a “higher authority”, and students cannot

be charged more than actual cost of photocopying. Teachers may use copyrighted materials in overhead or opaque projectors for instructional purposes.

#### Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of an unpublished work which is in its collection; and a published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided the unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a small part of other materials, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship, or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in “Authorized Reproduction and Use of Copyrighted Material in Print”.

#### Authorized Reproduction and Use of Copyrighted Music

A teacher may make a single copy of a song, movement or short section from a printed musical work that is unavailable except in a larger work, for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement or song.

In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance, when the purchased copies have been lost, destroyed or are otherwise not available.

#### Authorized Reproduction and Use of Copyrighted Software

For each piece of software, the School must comply with the conditions of the licensing agreement at the time of purchase. Only the network manager or a designee may copy or install software. Software purchased by MSDB may only be used by staff and students and only for purposes authorized by the administration and in compliance with the licensing agreement.

#### Policy History:

Adopted on: 11-14-03

Revised on:

## **MSDB INSTRUCTION**

### Textbook and Instructional Materials Reconsideration 2314

Parents or community members objecting to specific textbooks or instructional materials used in the School are encouraged to submit a complaint in writing and discuss the complaint with the principal prior to pursuing a formal complaint pursuant to the Materials Reconsideration Procedures (complaint procedure) Policy Instruction 2310P.

Cross Reference:      Instruction 2310P – Procedure for Development of Library Media Collection

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

#### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB INSTRUCTION**

### Academic Freedom, Controversial Issues and Prayer in School 2330

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

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

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

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

1. Relative maturity of students
2. School philosophy of education
3. Community standards, morals and values
4. The necessity for a balanced presentation
5. The necessity to seek prior administrative counsel and guidance in such matters

It is the policy of the Board not to prevent, or otherwise deny participation in, constitutionally protected prayer in any of the school's facilities, consistent with guidance issued by the U.S. Department of Education and applicable judicial decisions interpreting the religion clause of the First Amendment of the U.S. Constitution, and (1) this policy supersedes any other Board policy that is consistent with it.

Cross Reference:      3200 Student      Student Rights and Responsibilities

Legal Reference:      Article X, Sec. 8, Montana Constitution      School District Trustees  
                                  § 20-3-324 (16) and 17), MCA      Powers and Duties  
                                  10.55.701, ARM      Board of Trustees

#### Policy History:

Adopted on: 07-18-03

Revised on: 11-14-14

## **MSDB INSTRUCTION**

### Recognition of Unique Cultural Heritages 2340

Montana School for the Deaf and the Blind (MSDB) recognizes the contributions of American Indians, and other distinct cultures, in our traditional and contemporary art, literature, social structure, values, heritage, history and perspectives. In addition, MSDB recognizes how the world has gained from people, who are deaf, hard of hearing, blind, visually impaired, and deafblind as well as their cultural contributions. The curriculum adopted or used by MSDB incorporates knowledge of these cultures into the school's educational goals. The school's content and performance standards reflect the connections among these diverse groups.

MSDB is committed to furthering the school's educational goals by:

1. Working cooperatively with the Montana Association of the Deaf, the Montana Association for the Blind, Montana tribes, and other distinct cultures.
2. Periodically reviewing the curriculum to ensure inclusion of cultural heritages by:
  - a. providing books and materials which reflect authentic historical and contemporary portrayals of these cultures;
  - b. considering individual and cultural diversity and differences among students; and
  - c. providing necessary training to school personnel.

<u>Legal Reference:</u>	Art. X, Sec. 1(2), Montana Constitution 20-1-501, et seq., MCA  10.55.701, ARM	Recognition of American Indian Cultural Heritage – Legislative Intent Curriculum Development and Assessment Board of Trustees
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#### Policy History:

Adopted on: 07-18-03  
Revised on: 11-14-14  
              11-17-16

## **MSDB INSTRUCTION**

### School Wellness Policy      2510

The Montana School for the Deaf and the Blind (MSDB) is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of MSDB that:

- The School will engage students, families, staff, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies and procedures.
- The School will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.
- All students in grades P-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- To the maximum extent practicable, the School will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program [including after-school snacks]).
- All meals prepared and served by the School shall meet or exceed the nutritional standards required by state and federal school lunch programs. Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- To encourage the eating of nutritious lunches, competitive food sales, including vending machines, shall not be permitted to operate anywhere on school premises during or for the period of one (1) hour before and after meal times.
- Any food sales of an occasional nature must have the prior approval of the Principal or the Dean of Students.

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

1. Nutrition Education Goals
2. Physical Activity Goals

3. Nutrition Standards for all Foods and Beverages
4. Other School-Based Wellness Activities
5. Governance and Evaluation

Legal Reference: P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004

Policy History:

Adopted on: 05-11-06

Revised on:



**MSDB  
INSTRUCTION**Outreach and Itinerant Services 2700

To be consistent with the philosophy of least restrictive alternative for education and to maintain a continuum of alternatives which assures the best possible availability of services and materials; the Board authorizes the Montana School for the Deaf and Blind to provide regional services of itinerant consultants and instructional tools, materials and books from the center at the school in Great Falls, and that these services shall be made available to all school districts in the state and shall function in cooperation with the regional offices for special education administered by the Office of Superintendent of Public Instruction. In addition, the school shall serve as a consultative resource for parents of hearing impaired and visually impaired children not yet enrolled in an educational program.

Legal Reference:       ARM 10.61.102  
                                  MCA 20-8-102

Policy History:  
Adopted on:   10-14-92  
Revised on:

**3000 SERIES**  
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## **MSDB STUDENTS**

### MSDB Communication Philosophy 3010

MSDB's communication philosophy is based on (a) full access to all communication in the school environment; (b) the importance of a child's self-expression; and (c) respect for each individual's communicative needs. Each child, regardless of age and ability, is a communicator, with preferred modes of receptive and expressive communication. Each student is encouraged to use his/her preferred communication modes for demonstrating understanding and expressing wants and interests during academic and social interactions. Staff is dedicated to enabling and respecting the communication modes used by each student.

#### Principles:

1. MSDB recognizes and values the importance of the early acquisition of the English language, literacy skills and concept development for education and communication purposes. The acquisition of these skills is a primary educational goal. There is a vital connection between literacy skills and the early and frequent exposure to large print or Braille, American Sign Language (ASL), Signed English (SEE), speech reading, or use of residual hearing. The school is responsible to have all needed written and spoken information available in accessible modalities. In addition, MSDB values and is dedicated to educating the community of the importance of the appropriate media for our students.
2. For students to have full access to the curriculum, at MSDB and in the mainstream classes in the Great Falls Public Schools, concepts must be comprehensible. That is, not only understandable on the surface, but presented with language and concrete experiences which enhance, through their depth of meaning, the cognitive and educational development of deaf, blind or visually impaired students. Therefore, central to effective communication is the issue of what modality is used to interact with and instruct hearing impaired students as well as interpreting environments and presenting concrete experiences to students who are blind or visually impaired. The school will provide sufficient staff training in the diverse communication modes used by the students, support services, technical assistance, and sufficient time for staff to collaboratively develop the student's communication system.
3. In order to insure that the communication environment is open and accessible, it is mandatory that the appropriate visual, manual, tactile, voice, picture or technological communication modes which are adequate for full inclusion and participation be utilized at all times when deaf, blind, or visually impaired persons are present. Toward this end, professional training which support MSDB's communication philosophy and principles are part of staff development. Classes in sign language, Braille, Braille production, and assistive communication devices are offered to staff as appropriate to their positions and are a requirement for all new employees.

#### Policy History:

Adopted on: 10-28-94

Revised on:

## **MSDB STUDENTS**

### Referral Procedures for Placement and Admission and Transfer Procedures 3110

#### Overview

Upon request from a local district, MSDB will provide assistance in determining the educational needs of students identified, or suspected of having a qualifying disability of deafness, hearing or visual impairment, or deafblindness (20-8-104, MCA), and determining whether placement at MSDB is most appropriate and least restrictive in meeting those identified needs. Any recommendation for placement of a student at MSDB will be preceded by a review of the student's file by the School's intake committee and at least a 10-day on-campus observation period.

The School shall follow the mandates of the Individuals with Disabilities Education Act (IDEA), and the Administrative Rules of Montana regarding the Evaluation Report Team and determination of eligibility for services, development of the IEP, and placement of students. The School shall follow any mandates of Montana Law regarding admission of students. Immunization records are required for admission to the School.

In accordance with the Montana Immunization Law, a student will not be admitted who has not been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles. If the student qualifies for conditional attendance or an exemption is filed as defined by Montana law, immunization may not be required.

#### I. Referral

- A. Referral of a student, for placement, is accomplished through the following procedures:
  1. The student must be an enrolled student in a local district. The student's local education agency (LEA) makes a written recommendation for referral to MSDB. A release of information must be signed by the parent/guardian so that pertinent records can be requested for review.
  2. Before a 10-day observation is conducted, the MSDB intake committee, which may be comprised of the school psychologist, audiologist, orientation mobility specialist, speech/language pathologist, occupational and/or physical therapist, classroom teacher, braille instructor, education administrator and when appropriate, residential counselor, health services director and residential administrator will conduct a file review to determine if:
    - i. the student has a qualifying disability of deafness, hearing or visual impairment, or deafblindness
    - ii. the hearing or vision condition is significant enough to preclude LEA from being able to provide an appropriate education to the student,
    - iii. the nature and scope of the student's academic, social/emotional and behavioral needs can be met by the available services and programs, at the time of referral, and more specifically the goals and objectives in the student's current IEP can be accommodated by MSDB.

- B. The file review must consider all current and previous educational records including:
1. Eligibility for deaf, hearing or vision impairment, or deafblindness
    - i. Audiological evaluation
    - ii. Eye examination
    - iii. Communication evaluation (might be included)
  2. Eligibility documentation for additional disabilities, if applicable
  3. Other relevant health records
  4. Current ER and current and previous IEP including;
    - i. Education/psychological evaluation
    - ii. Developmental/cognitive assessment
    - iii. Classroom based assessments
    - iv. Behavioral observations
    - v. Functional vision, braille, assistive technology or orientation and mobility assessments as necessitated by the disability
    - vi. Hearing, speech/language, communication or as determined by the specific disability
    - vii. Occupational/physical therapy as determined by the specific disability
  5. Functional behavior assessment/behavior intervention plan, if applicable
  6. Relevant psychological assessments and/or reports from treatment specialist
  7. Transition plan and/or vocational evaluation, if applicable
  8. High school transcript, if applicable
  9. Attendance record
  10. Discipline or behavior reports
  11. Most recent report card
  12. Achievement scores
  13. Individual state assessments
- C. A video tape review of the student in his/her current educational setting may be requested to supplement the file review.
- D. If the intake committee determines that:
1. the student does have a qualifying disability,
  2. the programs and services of MSDB are sufficient to meet the student's identified needs, i.e., the student's academic, social/emotional and behavioral needs can be met within or by the existing:
    - i. programs,
    - ii. curricula,
    - iii. student groupings,
    - iv. and available staff,
  3. the student is not a danger to self or others,
  4. the student presents no physical or medically related health or safety issues which are beyond the scope of appropriate care by the education, cottage and health services staff,
  5. the student does not present systemic behavior which is disruptive to the educational process of the other students,
- E. Based on the determination of the above criteria, a recommendation may or may not be made to conduct a 10-day observation period on the MSDB campus.

- F. The purpose of this 10-day observation is to gather additional information, which could include assessment data, in MSDB's unique educational setting, that will provide useful information to the IEP team.

Additionally the following criteria must be met before a 10-day observation period can occur:

1. The student demonstrates self-help skills that are developmentally appropriate for his/her chronological age; i.e., self-feed, chew and swallow most foods, assist in dressing self, cooperate in bathing and toileting, and indicate an awareness of being soiled or wet at the preschool level.
  2. The parent or LEA must provide a medical examination form signed by a physician, a copy of the child's immunization record, and complete contact information for the parent/guardian and the local district. Additional permission forms and releases must be signed by the parent/guardian while the 10-day observation period is being conducted.
  3. In order for a child to be admitted as a student to MSDB, and following an IEP team placement decision, a parent or legal guardian must complete an application for admission. As part of the admissions packet a health history, general and extracurricular permissions, media release, notices of intent to test and directory information, athletic information, and Internet use agreement must be signed by a parent or guardian. The parent or guardian must also provide the child's social security number, medical insurance/Medicaid information, and any applicable documents concerning custody or guardianship.
- G. The components of 10-day observation period may include but are not limited to:
1. academic achievement, developmental and/or cognitive assessments
  2. classroom based assessments and behavioral observation
  3. functional vision, braille/reading media, technology, and/or orientation mobility for visually impaired students
  4. audiological, speech/language (spoken and/or signed) and communication observation and/or assessments
  5. assistive technology when appropriate
  6. assessment of social, emotional and behavioral adjustment to the cottage setting if the student will be living in the residential program

During the term of the 10-day observation period it is understood that the IEP written by the LEA will remain in force and the responsibility for FAPE remains with the referring district.

- H. The parent or guardian of a student must accompany the student for the beginning of the 10-day observation period. No student will be admitted to the Education or Residential Programs until all required documents, permissions and releases are signed and filed in the school's administration office.
- I. Upon completion of the 10-day observation period a report will be made to the LEA and parents/guardians which may include information related but not limited to:
1. educational implications and recommendations,
  2. recommendations for support services,

3. and recommendations for placement.

## II. Placement and Admission

- A. Placement and admission of students at MSDB is accomplished through the following procedures:
  - a. At the conclusion of the observation period, a post-observation meeting is conducted with parents/guardians, LEA, the MSDB team and the student, if appropriate. If placement at MSDB is not recommended, the LEA will continue to provide FAPE and Outreach services can be offered and/or continued. If placement at MSDB is recommended, the team will determine if the current IEP will be implemented as written, will be amended, or if a new IEP needs to be developed.
  - b. In accordance with an interagency agreement between the Office of Public Instruction and MSDB, a student may not be placed at MSDB by an IEP team without the concurrence of the MSDB administrative representative.

## III. Admission to the Residential Program

Admission of children as residents in the cottages at MSDB shall be as follows:

- A. Additionally, the following criteria must be met for a student to be admitted to the residential program:
  - a. the student does not present a danger to him or herself or others.
  - b. the student lives cooperatively with other students.
  - c. the student accepts and takes direction from cottage staff.
  - d. the student demonstrates self-help skills that are developmentally appropriate for his/her chronological age; i.e., self-feed, chew and swallow most foods, assist in dressing self, cooperate in bathing and toileting, and indicate an awareness of being soiled or wet at the preschool level.
- B. Any child otherwise determined as appropriate for admission to MSDB, under the IDEA and as determined by the IEP team, who resides outside the Great Falls Public School transportation district may reside in the cottages during the regular school year if the student does not pose a threat to others and if the residential services available at MSDB are sufficient to meet the student's needs.
- C. Any child otherwise determined, as appropriate for admission to MSDB, under the IDEA and as determined by the IEP team, who resides within the Great Falls Public School transportation district, but is determined by the IEP, to need transitional, life skill, or social development, may reside in the cottages during the regular school year.
- D. A parent/guardian request for the placement of any Great Falls Public School student into the residential program must be approved by the Superintendent, Dean of Students and Principal and may be reviewed annually at the IEP meeting.

## IV. Credit Transfer for Secondary Student

Montana Accreditation Rules and Standard, in accordance with local alternate procedures for earning credit, shall be applied to all credit transfer reviews. Credits awarded by Montana accredited schools are automatically transferred. Requests for transfer of credit and/or grade placement from any non-accredited, non-public or home school shall be subject to examination



and approval by an administrator as the student is accepted by MSDB. Any such credit will be posted to a student's transcript by the referring LEA.

A. When reviewing coursework for credit evaluation the IEP team will:

- a. document that the student has spent approximately the same number of classroom hours in the non-accredited, non-public or home school as the student would have spent in a regular class at MSDB, and
- b. document that the student followed a curriculum, which is substantially similar to that in the course for which they are requesting credit.

The MSDB will give credit only for non-accredited, non-public or home school courses that have met all requirements as specified in Montana law. Credit from non-accredited, non-public or home school coursework will only be accepted when a like course is offered at MSDB or GFPS.

The student's MSDB transcript will record courses taken in non-accredited, non-public or home school settings by indicating the title of the course, location where the course was taken, and the grade and/or credit earned.

#### V. Transfer to Local Education Agency

School policies regulating pupil enrollment from other elementary and secondary schools are designed to protect the educational welfare of the child and of other children enrolled at the MSDB. The transfer of students from MSDB to another educational placement shall occur pursuant to the recommendation of the IEP team which includes the parent/guardian and the LEA.

<u>Legal Reference:</u>	IDEA PL 94-142	
	10.16.3007, ARM	Eligible Students Under the IDEA
	10.16.3320, ARM	Referral
	10.16.3321, ARM	Comprehensive Evaluation
	10.16.3322, ARM	Composition of a Child Study Team
	10.16.3340, ARM	Individualized Education Program and Placement Decisions
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization required – release and acceptance of immunization records
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	10.55.601 et seq., ARM	Accreditation Standards
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 10-14-92  
 Revised on: 11-14-03  
 11-04-05  
 05-11-06  
 11-14-14

**MSDB  
STUDENTS**Procedures for Evaluation and Determination of Eligibility 3111

Procedures for evaluation and determination of eligibility are conducted in accordance with the procedures and requirements of CFR 300.530-536 and the following state administrative rules: 10.16.3320 Referral; 10.60.103 Identification of Children with Disabilities; 10.16.3321 Comprehensive Educational Evaluation Process; and 10.16.3322 Composition of a Child Study Team.

Legal Reference: 34CFR 300.530-536  
ARM 10.16.3320-3322  
ARM 10.16.3010

Policy History:  
Adopted on: 07-12-01  
Revised on:

**MSDB  
STUDENTS****Least Restrictive Environment** 3112

To the maximum extent appropriate, children with disabilities, at MSDB, are educated with children who are nondisabled and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Educational placement decisions are made in accord with 10.16.3340ARM and the requirements of CFR 300.550 through 300.556 and a continuum of alternate placements are available as required in CFR 300.551.

Legal Reference: 34CFR 300.550-551,556  
ARM 10.16.3340

Policy History:  
Adopted on: 07-12-01  
Revised on:

**MSDB  
STUDENTS**Full Education Opportunity Goal 3113

1. The Montana School for the Deaf and the Blind serves students either on or off campus from the ages of 0 – 21 years.
2. This agency serves all enrolled students between the ages of 0-21 or until completion of their high school educational curriculum. Each student's program is directed by an IEP.
3. Beginning at age 14 and older, all students are referred to the Department of Social Rehabilitation Services for services, and a statement is developed to address their transition needs.

Legal Reference: 34CFR 300.222

Policy History:

Adopted on: 07-12-01

Revised on:

## **MSDB STUDENTS**

### Procedural Safeguards 3114

The Montana School for the Deaf and the Blind implements the procedural safeguard procedures as identified in CFR 300.500-300.529 and 10.16.3129 ARM and provides a copy of the brochure, “Parental Rights in Special Education,” to the parent a reasonable amount of time before the school:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of free, appropriate public education to the child; or
2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free, appropriate public education to the child.

Legal Reference: 34 CFR 300.129  
34 CFR 300.500-300.529  
10.16.3129, ARM

Policy History:  
Adopted on: 07-12-01  
Revised on:

## **MSDB STUDENTS**

### Residence of Children at Montana School for the Deaf and the Blind 3115

As a state school with boarding facilities, the Montana School for the Deaf and the Blind (MSDB) serves day students as well as residential students.

Day students are those enrolled students who live at home and commute to school on a daily basis on transportation provided by local school boards or parents.

Boarding students are those students whose area of residence is of such distance and travel time as to preclude their daily commuting to school. While mandatory home-goings are required for all students periodically, students are encouraged to return home each weekend.

Students residing in Cascade County and surrounding counties which provide daily transportation are to be day students as a matter of school policy except for extenuating circumstances. Exemption from this general policy will be considered on an individual basis upon written application to the Superintendent and contingent upon availability of space in the appropriate age/grade cottage.

Day students may reside occasionally in cottages in connection with school activities such as a late return from an away game or an early next day departure for a school activity or special school/cottage activities. Parents are responsible for contacting the dean of students to ascertain the availability of cottage space and to provide written permission in advance for their son/daughter to reside on campus.

Day students may be kept after school for field trips, student activities, athletic practice, or behavior management with prior parental permission and transportation arrangements.

Legal Reference: ARM 10.16.202

#### Policy History:

Adopted on: 10-14-92

Revised on:

**MSDB  
STUDENTS****Children in Private Schools** 3117

The Montana School for the Deaf and the Blind (MSDB) implements services to children enrolled in private schools by their parents in accord with the requirements and procedures in CFR 300.453-300.462 and 10.16.3122 ARM. If a child with a disability is placed in or referred to a private school or facility by the school district, the district will provide special education and related services in accord with the requirements and procedures of CFR 300.401 and 10.16.3122 ARM.

**Legal Reference:**      34 CFR 300.133  
                                 34 CFR 300.401  
                                 34 CFR 300.453-462  
                                 ARM 10.16.3122

**Policy History:**  
Adopted on: 07-12-01  
Revised on:

**MSDB  
STUDENTS**Admission of Non-Resident Students to the Montana School for the Deaf and Blind 3118

When the physical facilities and staff of the school are not utilized to their fullest for residential children of Montana, the Superintendent is authorized to consider applications for admission for students who are not residents of Montana.

Tuition for students who are not residents of Montana will be set at the average cost of serving residential students the preceding fiscal year. Transportation costs, long distance telephone costs and all other costs attributable to the student's nonresident status are the responsibility of the student's parents or the state of residence of the student.

Admission policies and all other pertinent school policies will apply to nonresident students. Continued enrollment of nonresident students will be reviewed annually.

Legal Reference:       ARM 10.16.203  
                              MCA 20.8.107

Policy History:  
Adopted on: 10-14-92  
Revised on:



## **MSDB STUDENTS**

### Child Find 3120

The Montana School for the Deaf and the Blind is a state operated program providing special education services to all students enrolled. The school is a placement option Local Education Agencies (LEA) to consider for sensory impaired children.

Activities performed throughout the school year include annual audiological assessment of all students in attendance, visual screening for all students and Usher Syndrome screening for students in middle and senior high school, dental screening for all residential students, scoliosis screening for students in the 5<sup>th</sup> through the 8<sup>th</sup> grade, psychological evaluation for all students upon initial intake and then on an as needed or every three year update basis, speech/language assessment for all students on initial intake and then on an as needed basis. These services are provided variously through the psychology and speech/language department where pertinent records are maintained in the academic office and included as part of the student's CST/IEP file, and in the health services department which maintains files of a medical and general health nature and is responsible for parent contact regarding results of all medical screenings.

Based on identified needs, students at all levels are eligible for participation in physical therapy, adaptive physical education, and orientation/mobility. Records for these activities are maintained in the academic records and become part of the student's IEP records. These records are variously generated by the physical therapist, physical recreation specialist, and orientation/mobility instructor.

MSDB is charged by the Legislature to serve as a resource center providing information, consultation, technical assistance, and leadership 1) to parents of deaf and blind children from birth through age 21, 2) to public schools of Montana who have deaf and blind children enrolled, and 3) to organizations and individuals concerned with services to deaf and blind children. MSDB works closely with the service providers for deaf and blind children birth through age three and with the Office of Public Instruction in addressing the needs of these children. There is no charge to the school district, service provider or parents for any outreach services. The outreach consultants take on many roles. The consultants, in addition to other members of the educational team, plan appropriate academic programs for deaf and blind children wherever they may live.

Legal Reference:      34 CFR 300.200  
                                 MCA 20.8.102

Policy History:  
Adopted on: 07-12-01  
Revised on:

## **MSDB STUDENTS**

### Attendance 3122

The entire process of education requires continuity of instruction, classroom participation, learning experiences, and study in order to reach the goal of maximum educational benefits for each individual child. The regular contact of students with one another in the classroom and their participation in instructional activities under the direction of a competent teacher are vital to this purpose. Attendance reflects a student's dependability and is a significant factor on the student's permanent record.

When a student is absent or late, a telephone call or a note from the parent or guardian, houseparent or infirmary staff is needed. Notes must be given immediately to the attendance secretary. If the absence is less than a full day, the student will be required to obtain an admit / release slip from the attendance secretary before being allowed to enter class. All absences will be recorded on the report card. School-related absences will appear separately on the report card.

### Activities or Preplanned Absences

In situations in which the student knows in advance that he or she will be absent, it is the student's responsibility to notify teachers prior to being absent. Teachers may require work that will be missed to be completed and turned in prior to departure, or they will make arrangements with the students for work to be completed within a reasonable period of time.

Absences for school-sponsored activities are excused, but students are held responsible to complete any work missed. In order to participate in an extracurricular activity, including practice for an activity, students must attend school during the afternoon of the date of the event or in the afternoon on the last school day prior to the activity, if the activity falls on a non-school day. Exceptions may be made by the administration.

### Excused Absences

A student is excused when absent due to:

- Illness
- Bereavement
- Legal Appointment
- Family Emergencies
- Approved School-Related Absence

Schoolwork missed during an excused absence can be made up at full credit. Teachers will make arrangements with the students for work to be completed within a reasonable period of time.

### Unexcused Absences

Unexcused absences are not acceptable. When students are absent without appropriate authorization, they are considered to be truant under 20-5-103, MCA. When a student engages in

repeated truanancies, a conference will be held among the parent(s), student, and principal. At such a conference, the principal, student and parent(s) shall consider adjusting the student's program, transferring the student to another school or engaging in family counseling.

### Ten-Day Policy

The Board of Public Education believes that classroom participation is an important part of the learning experience. Therefore, no student shall receive credit for a semester of work in any course in which he/she has had in excess of 10 unexcused absences.

Absences may be excused by the Principal for the following reasons:

1. School-Related – The student is absent because of a school approved activity or travel.
2. Illness or Serious Injury – The student is absent because of an illness or injury. In these cases the parent/guardian must notify the school by phone or in writing. The principal may request verification from an attending physician.

If the student cannot produce acceptable documentation, an unexcused absence will be issued, and penalties prescribed in the Code of Student Behavior will be applied.

When a student has 5 unexcused absences the principal / supervising teacher will send the student's parent(s) or guardian(s) a letter of notification. Another letter of notification will be sent when a student reaches 7 unexcused absences.

The principal may waive the provisions of this rule based on special circumstances and/or emergencies that are unavoidable. A conference will be scheduled with the student, parent(s) or guardian(s) and the principal before the absence is excused.

### Tardies

Students must be seated at their desks at the beginning of each class period. An admit/release slip will be required for the student to enter the classroom after the period begins. Upon return from mainstream classes in the public schools, students must immediately report to their next period class or study hall. Students must have permission and an admit/release slip from their teacher or supervisor before they will be allowed to go to any other part of the school building or campus for any reason.

Teachers will keep a record of absences and tardiness; consequences for classroom tardies should be handled by the teacher. At the discretion of the teacher, detention may be given for tardies. When a student's tardiness becomes frequent or disruptive, the student may be referred to the principal for violating Student Policy 3310, Code of Student Behavior, "Habitual Behavior."

### Legal Reference:

20-5-101, MCA Admittance of child to school  
 20-5-103, MCA Compulsory attendance and excuses  
 20-5-104, MCA Attendance officer

20-5-108, MCA Tribal agreement with district for Indian child  
compulsory attendance and other agreements

Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENTS**

### Education of Homeless Children 3125

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

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

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

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

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

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

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

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

Cross Reference: Uniform Grievance Procedure

Legal Reference: 42 U.S. C. § 11431, et seq.  
§ 20-5-101, MCA

Community Relations 4700

McKinney Homeless Assistance Act  
Admittance of Child to School

#### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB STUDENTS**

### Identifying the Need for and Appointing Surrogate Parents 3126

It is the responsibility of the Board of Public Education to nominate a surrogate parent for approval by the Montana Youth Court whenever it is determined that a student is in need of a surrogate parent. When a parent of a student cannot be identified or is unknown, the superintendent must take steps to determine the need to nominate a surrogate parent. The parent cannot be identified or is unknown when:

1. the school has no record available of the parent, and
2. the school has no record available of the appointment of a legal guardian.

When the parent of the student cannot be determined or is unavailable, the school must take steps to determine the need to nominate a surrogate parent. The parent cannot be located or is unavailable when:

1. the school receives no response to a combination of phone calls, certified letters or personal visits to the last known address, and
2. the school documents at least three attempts to contact parents, regarding special education evaluation, identification, placement or free appropriate public education.

“Unavailable” means that after reasonable efforts, the whereabouts of the parents cannot be discovered. Uncooperative or nonresponsive parents should not be considered “unavailable”.

Legal Reference: 20-7-461, MCA, 10.16.3504, ARM

#### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB STUDENTS**

### Procedure for Nominating and Appointing a Surrogate 3126P

The process to determine the need for a surrogate parent and the nomination of a surrogate parent must include:

1. Reviewing the need for a surrogate parent when a student is referred to and enrolls at the school, conditions change in a student's relationship with the current parent or guardian, e.g. death, disappearance.
2. If the conclusion is that a surrogate parent must be appointed, the Board must nominate a candidate within thirty (30) days of the date of determination.
3. Any adult from the area that meets the qualification for a surrogate parent may be nominated. If the person is not trained, the school must ensure that training is provided. Training should include an introduction to terms, definitions and disabling conditions under special education regulations, an overview of state and federal education laws and special education service delivery models, understanding of the Child Study Team process and Individualized Education Programs, an explanation of procedural safeguards and available resources for surrogate parents.
4. Nomination of an appropriate surrogate parent in accordance with 20-17-414, and 20-7-461, MCA, 10.16.1104, ARM, and 20 USC Sec. 1415 and 34 CFR 300.514. The school shall ensure that the nominated surrogate has no interests which conflict with the interest of the child he or she represents, and has knowledge and skills that insure adequate representation of the child. A person nominated as a surrogate may not be an employee of a public agency which is involved in the education or care of the child, and a person who is otherwise qualified to be a surrogate parent may not be an employee of an agency solely because he or she is paid by that agency to serve as a surrogate parent. The surrogate parent may represent the child in all matters relating to the identification, evaluation and educational placement of the child and the provisions of a free, appropriate public education to the child.
5. The candidate's name is submitted on a petition to Youth Court along with necessary supporting documentation for appointment of the surrogate parent.
6. The Youth Court Judge signs the order appointing the nominee as surrogate parent.
7. If the Youth Court does not appoint the nominee, the Board must make another nomination.

Legal Reference: 20-7-451, MCA, 10.16.3504, ARM

#### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB STUDENTS**

### Student Rights and Responsibilities 3200

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

Cross Reference:      Searches and Seizures  
                                 Student Discipline

Legal Reference:      § 20-4-302, MCA      Discipline and Punishment of Pupils – Definition of Corporal Punishment  
                                 § 20-5-201, MCA      Duties and Sanctions  
                                 *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S. Ct. 733 (1969)

#### Policy History:

Adopted on: 10-14-92

Revised on:



## **MSDB STUDENTS**

### Public Displays of Affection (PDA) 3201

At the Montana School for the Deaf and the Blind (MSDB), we recognize there are various comfort levels with giving, receiving, and observing Public Displays of Affection (PDA).

#### Our beliefs:

1. We believe one of our goals is to promote and teach appropriate human interactions in order to develop safe, healthy, and appropriate relationships with other people in our lives.
2. We believe students will have feelings for each other and those feelings are acceptable.
3. We believe that students need to learn when and where certain behaviors are appropriate and acceptable and when and where certain behaviors are not appropriate or not acceptable.

All students, regardless of age or grade, have opportunities to socialize with all genders throughout the academic and cottage settings. Socialization can be permitted at any time of the day for all students or evening for cottage students. There are many opportunities to socialize on campus in chaperoned settings. Some of these areas include assemblies, the gym, and cottage common areas. Male and female students may sit together during lunch and are permitted to sit together both in the classrooms, during assemblies, and in the common areas in the cottage.

#### PDA Definition

Public Displays of Affection (PDA) can refer to any physical contact between any two people. This contact could be in the form of a hug, holding hands, sitting closely, romantic and/or prolonged touching, playing footsies, kissing, and other forms of touching up to and including various forms of sexual contact.

Friendly touches for attention-getting and hugs for greeting or parting are acceptable in the Deaf culture and are not considered PDA. Likewise, touching for sighted (human) guide for students and adults with visual impairments is also not considered PDA.

Typically, PDA applies to couples that are in a romantic relationship. These romantic relationships naturally occur during the young adult and teenage years. Every member of the MSDB community is expected to act in a responsible and respectable manner that will bring praise and positive comments to themselves and to the school.

#### PDA in Academic Settings

PDA is not allowed in any classroom or during any instructional period including school assemblies and field trips.

1. Elementary Level – PDA is not allowed. Friendly hugs and handshakes between students are acceptable when resolving conflicts, when parting for weekends home, or when a student is leaving MSDB.

2. Middle School Level – Acceptable forms of PDA when students are at the middle school level include holding hands between classes or while walking across campus.
3. High School Level – Acceptable forms of PDA when students are at the high school level include middle school level allowances, quick kisses on the cheek (less than 5 seconds), and quick hugs (less than 5 seconds).
4. When there is a difference in levels of “dating” students, allowances default to youngest level of PDA allowance.

#### PDA in Cottage Settings

Students in the cottage settings are allowed to show PDA as listed in the Academic settings. Students who are in romantic relationships may also sit together side-by-side during free times and hold hands. With parent/guardian permission and meeting school and cottage behavior/grade expectations, high school students may go on off-campus dates.

#### PDA Infractions

Inappropriate displays of affection may form the basis for legitimate complaints of sexual harassment and other conduct code violations, and are subject to disciplinary action.

Staff may ask students to stop any touching, including PDA at any time. Students are expected to follow these requests immediately.

Conduct or behavior of a sexual nature is never allowed on campus or during any school-related function or activity. Consequences for infractions or violations will be handled by administrators and might possibly involve law enforcement.

#### Cross Reference:

#### Legal Reference:

#### Policy History:

Adopted on: 1/19/2018

Revised on:

## **MSDB STUDENTS**

### Equal Education, Nondiscrimination and Sex Equity 3210

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

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

Inquiries regarding discrimination or intimidation should be directed to the MSDB Title IX Coordinator. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

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

### Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on a basis equal to those without disabilities and will not be subject to illegal discrimination.

MSDB may provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The Superintendent shall designate the Americans with Disabilities Act, Title II Nondiscrimination Coordinator who is directed to:

1. Oversee the MSDB's compliance efforts, recommend necessary modifications to the Board, and maintain MSDB's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date.
2. MSDB plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Nondiscrimination Coordinator, principal or dean of students if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Title II Nondiscrimination Coordinator, or by filing a grievance under the Uniform Grievance Procedure.

### Title IX

The Board of Public Education hereby adopts as policy for the Montana School for the Deaf and the Blind, the following Title IX and sex discrimination statement:

Montana School for the Deaf and the Blind does not discriminate against any person on the basis of sex in the educational programs or activities which it operates in accordance with requirements of Title IX of the Educational Amendments of 1972.

1. No person shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.
2. The school may provide separate toilet, locker room and shower facilities on the basis of sex, but such facilities provided for a student of one sex shall be comparable to those provided for students of the other sex.
3. The school shall not provide any course or carry out any education program or activity separately, or require or refuse participation therein by any of its students, on the basis of sex. This includes health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. (NOTE: With respect to physical education classes, the schools must comply with the regulations as soon as possible but in no more than one year for elementary schools and in no more than three years for secondary schools.)
  - a. Students in physical education classes may be grouped by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
  - b. Students may be separated by sex within physical education classes during participation in sports which involve bodily contact.
  - c. Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school shall use appropriated standards which do not have that effect.
  - d. Portions of classes which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.
4. Schools shall not discriminate against any person on the basis of sex in the counseling or guidance of students. Where a school finds that a particular class contains a substantially disproportionate number of individuals of one sex, it shall take steps necessary to assure that such disproportion is not the result of discrimination in counseling.
5. A school shall not discriminate on the basis of sex in providing financial assistance to any student.
6. A school shall not apply any rule concerning a student's actual or potential parental, family or marital status which treats students differently on the basis of sex.

- a. A school shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, unless the student requests voluntarily to participate in a separate program.
7. No person shall be discriminated against on the basis of sex in any interscholastic, club or intramural athletics offered by the school, and the school shall not provide any such athletics separately on such basis.

A school may operate or sponsor separate teams for members of each sex where selection for the teams is based on competitive skill or the activity involved is a contact sport. However, in non-contact sports, where the school sponsors a team for one sex but not for the other and athletic opportunities for the other have previously been limited, members of the excluded sex must be allowed to try out for the team offered.

A school which operates or sponsors interscholastic, club or intramural athletics shall provide equal athletic opportunity for members of both sexes.

Schools are granted a one (elementary) or three (secondary) year adjustment period to comply with these requirements.

Legal Reference: Art. X, Sec. 7, Montana Constitution – Nondiscrimination in Education  
 § 49-2-307, MCA – Discrimination in Education  
 24.9.1001, et seq., ARM - Sex Discrimination in Education  
 No Child Left Behind Act of 2001 (P.L. 107-110)  
 Americans With Disabilities Act., 42 U.S.C. §§ 12111, et seq., and 12131,  
 et seq.; 28 C.F.R. Part 35.  
 Section 506 of the ADA  
 10.55.701, ARM Board of Trustees

Cross Reference: Student Uniform Grievance Procedure – Student 3215P

Policy History:  
 Adopted on: 10-14-92  
 Revised on: 07-18-03  
 Revised on: 11-14-14

## **MSDB STUDENTS**

### Student Uniform Grievance Procedure 3215P

Any student who believes that the Board of Public Education, its employees or agents have violated their rights guaranteed by the State or Federal constitution, State or Federal statute, or Board policy may use this grievance policy.

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

#### Level 1: Informal

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

#### Level 2: Principal or Dean of Students

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal if the complaint arises in the education program or with the dean of students if the complaint arises in the residential program. The grievance must be filed within thirty (30) days of the event or incident.

If the complaint alleges a violation of Board policy or procedure, the principal or dean of students shall investigate and attempt to resolve the complaint. A decision on the grievance shall be made in writing within 20 days after it was filed. If either party is not satisfied with the principal or dean's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the principal's or dean's decision. This request must be submitted to the Superintendent within fifteen (15) days of the principal's or dean's decision.

MSDB has appointed a Nondiscrimination Coordinator to assist in the handling of discrimination complaints if a complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the principal or dean shall turn the complaint over to the Nondiscrimination Coordinator for investigation of the complaint. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of

the written grievance. The Coordinator may request the services of an outside investigator. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal to the Board of Public Education seeking a hearing. The request for a hearing must be received by the Executive Secretary of the Board of Public Education within fifteen (15) days of receiving the report of the Coordinator.

### Level 3: Superintendent

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

If either party is not satisfied with the decision of the Superintendent, the Board of Public Education is the next avenue for appeal. A written appeal must be received by the Executive Secretary of the Board within fifteen (15) days of receiving the Superintendent's decision. The Board is the policy-making body of the school, however. Appeals to that level are limited solely to the issue of whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

### Level 4: The Board of Public Education

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration at their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

### Waiver of Time Limit

*The parties may in writing jointly waive any time limit in this policy.*

### Policy History:

Adopted on: 11-14-03

Revised on:

**MSDB  
STUDENTS**Use of Cell Phones and Electronic Signaling Device 3223

The possession and/or use of cellular phones, pagers, and other electronic signaling devices or calling devices on school grounds during the instructional day or scheduled cottage activity times is a privilege which shall be permitted only with the express permission of the Principal or Dean of Students or designee. During these times permission must be granted to the student each time he or she is to use a cell phone, pager, electronic signaling device or calling device.

At no time shall any student operate a cellular phone or other electronic device with video capabilities in any locker room, bathroom, or other location where such operation will violate the privacy right of another person, or, interferes with the institutional and instructional process.

Unauthorized possession and/or use of cellular phones, pagers, and other electronic signaling devices or calling devices will result in confiscation of the device by school officials, including classroom teachers, and may result in disciplinary action. Confiscated devices may be returned, at the discretion of the building administrator, to the parent or guardian of the student or to the student.

Policy History:

Adopted on: 07-12-12

Revised on:



## **MSDB STUDENTS**

### Student Dress 3224

Appropriate dress and grooming for the school setting are expected of students. A student and his/her parent or legal guardian determine a student's pattern of personal appearance. Personal appearance includes dress, grooming and personal hygiene. Personal appearance of a student shall be respected provided it does not interfere with the health or safety of the student, or of others, and does not materially disrupt the education process as determined by the principal, dean of students or his/her designee.

Directors of extracurricular and co-curricular activities may establish standards of personal appearance, including dress and grooming requirements for such activities. Students wishing to participate in those extracurricular and co-curricular activities shall abide by those standards.

Examples of clothing not suitable to wear anywhere on campus or during school activities, functions or trips include, but are not limited to: clothing with language or graphics that offend community standards, mesh garments, see-through clothing, Johnson shirts, clothing or jewelry with alcohol, marijuana, or tobacco logos or advertising.

Hats are not to be worn in school buildings, Mustang Center or classrooms and may be confiscated if they are. Halters, midriff shirts, and muscle shirts are not suitable for wear at school or at any school sponsored activities. There must be a minimum of three inches of strap on the shoulder for shirts and five inches inseam for shorts.

No student on school property or at any school-sponsored activity shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or is representative of any gang.

#### Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENTS**

### **Sexual Harassment/Intimidation 3225**

#### **1 PURPOSE AND PHILOSOPHY**

1.1 Sexual harassment is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, and intolerance. Because the School is committed to provide a safe, healthy environment for all students which promotes respect, dignity, and equality, it is the purpose of this policy to create and preserve an educational environment free from unlawful sexual harassment and discrimination on the basis of sex.

#### **2 REFERENCES**

2.1 20 U.S.C. §1681, Education Amendments of 1972, Title IX. 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.

2.2 34 C.F.R. §§106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX. Requires designation of Title IX Coordinator, grievance procedure, and public notice of Title IX policies and procedures.

2.3 42 U.S.C. §2000e, Civil Rights Act of 1964, Title VII. Prohibits employers from discriminating on the basis of sex.

2.4 29 C.F.R. § 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII. Provides guidelines on sexual harassment in the workplace.

#### **3 MONITORING RESPONSIBILITY**

The School Compliance Officer and Title IX/EEO Coordinator, as designated by the Superintendent of Schools, will be responsible for ensuring compliance with this policy. The Compliance Officer will yearly evaluate, among other things: The frequency and nature of complaints under this policy; staff and student compliance with the policy; the degree and success of parental involvement with the policy; staff, student, and parent perceptions of the policy's effectiveness. Results of the evaluation will be used to modify or update the policy as appropriate, with an emphasis on remedying deficiencies

#### **4 POLICY**

4.1 In order to provide a safe and healthy environment that encourages respect, dignity and equality it is School policy to provide an educational environment free from sexual harassment and discrimination on the basis of sex. Under both Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, the School considers sexual harassment to be unlawful discrimination on the basis of sex. In addition, discrimination on the basis of sex is prohibited by the State Constitution. Finally, sexual harassment/assault by any individual may constitute a sexual crime or child abuse under the State Criminal Code.

4.2 The School strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the School. The School also strictly prohibits any forms of sexual harassment against individuals associated with the school whether or not the harassment occurs on school grounds.

4.3 Because sexual harassment can occur adult to student, student to adult, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee, or third party (school visitors, vendors, etc.) to sexually harass any student, employee, or any other individual associated with the school (i.e. parents, contractors, maintenance workers, consultants, etc.).

4.4 The School encourages all victims of sexual harassment and persons with knowledge of sexual harassment to report the harassment immediately. Any complainants have the right to be free from retaliation of any kind.

4.5 The School will promptly investigate any formal, informal, verbal and written complaints of sexual harassment, and take prompt corrective action to end the harassment.

## 5 DEFINITIONS

5.1 "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties when:

5.1.1 Submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education);

5.1.2 Submission to or rejection of the conduct is used as the basis for decisions affecting a student's academic performance, participation in school-sponsored activities, or any other aspect of a student's education;

5.1.3 The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile or offensive education environment.

## 6 UNACCEPTABLE CONDUCT

6.1 Complaints received will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definitions in 5.1 and should be treated as sexual harassment. Unacceptable conduct may or may not constitute sexual harassment. Normally, unacceptable behavior must be severe or pervasive to be considered sexual harassment. In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, faculty and staff who observe unacceptable behavior, as well as administrators conducting an investigation, should consider:

6.1.1 Is the conduct sexual in nature?

6.1.2 Is the conduct derogatory toward one gender?

6.1.3 Is the conduct unwelcome?

6.1.4 Would the behavior be offensive to a reasonable person of the same gender as the victim?

- 6.1.5 The nature, severity, and scope of the incidents
- 6.1.6 The number of students or staff involved directly or indirectly
- 6.1.7 The ages of the parties involved
- 6.1.8 The relationship of the parties involved (i.e., staff/student, fellow students, etc.) and whether there is equal power between the parties
- 6.1.9 The past discipline history of the parties involved
- 6.1.10 The frequency and duration of the behavior
- 6.1.11 Whether there is a pattern of behavior
- 6.1.12 Whether the conduct is verbal or physical

EXAMPLES: School-related conduct that the School considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

6.1.13 Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Criminal Code.

6.1.14 Unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;

6.1.15 Unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing and massages.

6.1.16 Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;

6.1.17 Unwelcome and offensive name, calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;

6.1.18 Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, or standing too close, spanking, pinching, following, stalking, frontal body hugs, etc;

6.1.19 Unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flipups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;

6.1.20 Unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;

6.1.21 Clothing with sexually obscene or sexually explicit slogans or messages;

6.1.22 Unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;

6.1.23 Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, film\$, Internet material, etc;

6.1.24 Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

## 7 COMPLAINT PROCEDURES

7.1 In compliance with applicable federal and state law, it is the policy of the school to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex.

7.2 Victims of sexual harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation, or reprisal. Upon filing complaints, victims may request an investigator of their same gender and may be represented by any person of their choice.

7.3 Victims of sexual harassment should document the harassment as soon as it occurs. In order to assist investigators, victims should document the harassment with as much detail as possible, including: the nature of the harassment; dates, times, and places it has occurred; name of harasser(s); witnesses of the harassment; and the victim's response to the harassment.

7.4 To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter and/or with an advocate present, and tell the harasser to stop the conduct because it is unwelcome. Victims should document the incident(s) of harassment, and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the incident(s) and the effect/impact of the behavior on the victim.

7.5 If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he/she cannot discuss the concerns with the harasser, the victim should directly inform school staff of the complaint and should clearly indicate what action he/she wants taken to resolve the complaint.

7.6 Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the principal, dean of students and/or the school Title IX coordinator.

7.7 Employees who fail to report student complaints of sexual harassment to appropriate administrators or law enforcement authorities may face disciplinary action, up to and including reprimand, probation, or termination.

7.8 School administrators, including principal and dean of students, Title IX coordinators, or school officials who fail to report or investigate student complaints of sexual harassment may also face disciplinary action, including reprimand, probation, or termination.

7.9 Victims who contact school staff with a complaint are encouraged to submit the complaint in writing. However, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities or small children who need accommodation.

7.10 Complaints are encouraged to be reported as soon as possible, i.e., within ninety (90) days after the incident, in order to be effectively investigated and resolved.

7.11 Reports/Complaints to Law Enforcement Authorities

7. 11.1 Consistent with the School Safe and Orderly Schools Policy, where 3, complaint contains evidence of violence or criminal activity, the principal, dean of students and/or school Title IX coordinator shall refer the complaint to the school and appropriate child protection and/or law enforcement authorities for investigation.

7.11.2 The School encourages any individual who has knowledge of sexual harassment of a violent or criminal nature to independently report the information to child protection and/or law enforcement authorities.

7.12 Child Abuse Any sexual harassment complaint containing evidence of child abuse shall be immediately referred to State child protection authorities and/or local law enforcement authorities according to the reporting requirements of State law (e.g., mandatory reporting of physical or sexual abuse of students; mandatory reporting of child abuse). Nothing in this policy prohibits the School from taking immediate action to protect victim~ of alleged child abuse. The accused employee shall be placed on administrative leave pending the outcome of the investigation.

## 8 CONFIDENTIALITY

8. It is School policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's need for confidentiality must be balanced with the School's obligations to cooperate with police investigations or legal proceedings, to prove due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint, the School retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know.

8.2 Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate child protection and/or law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by State law.

## 9 INITIAL (INFORMAL) INVESTIGATION AND RESOLUTION PROCEDURES

9.1 The principal, dean of students and/or Title IX coordinator has the responsibility to conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the principal, dean of students and/or Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

9.2 As soon as possible but not later than three (3) working days following receipt of a complaint, the principal, dean of students and/or Title IX coordinator should commence an investigation of the complaint according to the following steps:

9.2.1 Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

9.2.2 Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing



alternative formats for individuals with disabilities and small children who have difficulty writing and need accommodation.

9.2.3 Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.

9.2.4 Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.

9.2.5 Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.

9.2.6 Review all documentation and information relevant to the complaint.

9.2.7 Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, utilize appropriate informal methods to resolve the complaint, including but not limited to:

9.2.7.1 discussion with the accused, informing him or her of the School's policies and indicating that the behavior must stop;

9.2.7.2 suggesting counseling and/or sensitivity training;

9.2.7.3 conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;

9.2.7.4 requesting a letter of apology to the complainant;

9.2.7.5 writing letters of caution or reprimand;

9.2.7.6 separating the parties.

9.2.8 Parent/Student/Employee Involvement and Notification

9.2.8.1 Parents of both victim and accused shall be notified within one school day of allegations that are serious or involve repeated conduct.

9.2.8.2 The parents or advocates of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures. Employees bringing complaints shall be informed of their right to be represented by union officials or other professional representatives.

9.2.8.3 If either the victim or the accused is a disabled student receiving special education services under an IEP, or 504/Americans with Disabilities Act accommodations, all members of the student's IEP or 504 team will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.

9.2.9 Submit a copy of all investigation and interview documentation to the School Compliance Officer/Title IX Coordinator, and to the Human Resources Department if the complaint involves a School employee.

9.2.10 Report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. Instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

9.2.11 Notify the victim that if he/she desires further investigation and action, he/she may request a School level investigation by contacting the School Title IX coordinator. Also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights, the State Human Rights/Civil Rights agencies, and/or a private attorney.

9.3 Whenever a sexual harassment complaint is made, school administrators must take action to investigate the complaint or to refer the complaint for investigation even if the student does not request any action or withdraws the complaint.

9.4 If the initial investigation results in a determination that sexual harassment did occur, and the harasser repeat~ the wrongful behavior or retaliates against the victim, the site administrator will take prompt disciplinary action and will notify the School Compliance Officer/Title IX Coordinator or the Director of Human Resources.

9.5 The principal, dean of students and school Title IX coordinator must consider the sexuality or pervasiveness of the conduct and exercise discretion in determining whether a School level investigation is necessary. If a complaint contains evidence or allegations of serious or extreme harassment, such as adult to student harassment, criminal touching, quid pro quo (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly 'to School administrators, i.e., the appropriate Program Administrator, Human Resources Director, or Compliance Officer/Title IX Coordinator. In addition, where the principal or dean of students has reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or' suspected, the accused employee shall be placed on administrative leave pending the outcome of the investigation.

## 10 SCHOOL LEVEL INVESTIGATION

School administrators shall promptly investigate and resolve all sexual harassment complaints that are referred to the School by the school principal, dean of students and Title IX coordinators, as well as those appealed to the School by parties to the complaint. Any party who is not satisfied with the outcome of the initial investigation may request a School level investigation by submitting a written complaint to the appropriate program administrator or Compliance Officer/Title IX Coordinator.

10.1 Important male and female contact persons at the School are as follows: Compliance Officer and Title IX/EEO Coordinator, and Director of Human Resources, Montana School for the Deaf and the Blind.

10.2 The School level investigation should commence as soon as possible but not later than three (3) working days following receipt of the complaint by the School administrator. 10.3 In conducting the School level investigation, the School will use investigators who have received formal training in sexual harassment investigations or that have previous experience investigating sexual harassment complaints.

10.4 If a School investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, School investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

10.5 No later than thirty (30) days following receipt of the complaint, the School will notify the victim and alleged harasser, in writing, of the outcome of the investigation.



If additional time is needed to complete the investigation or take appropriate action, the School will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

10.6 Any victim or accused who still is not satisfied with the outcome of School investigations, or who feels that his/her civil rights have been violated, may file a request for a review by a neutral panel by submitting a written appeal to the Superintendent of Schools within ten (10) working days following receipt of School findings.

## 11 RIGHT TO REPRESENTATION AND OTHER LEGAL RIGHTS

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. Students who file complaints may elect to be accompanied by another student of their choice at each stage of the complaint procedure. Victims also have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR):

U.S. Department of Education  
Office for Civil Rights, Region VIII Federal Office Building  
1244 Speer Boulevard, Suite # 310 Denver, CO 80204  
tel: (303) 844-5695

Nothing in this policy shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

## 12 RETALIATION PROHIBITED

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension, exclusion, probation or termination.

## 13 DISCIPLINE

13.1 Any individual, including an individual with disabilities, who violates this policy will be subject to appropriate disciplinary action under applicable school discipline policies, School human resource policies, and the School Safe and Orderly Schools Policy. Disciplinary measures available to school authorities include, but are not limited to, the following:

- 13.1.1 verbal warnings/reprimands;
- 13.1.2 written warning/reprimand in employee or student files;
- 13.1.3 detention or in-school suspension; 13.1A behavior contracts;
- 13.1.5 requirement of verbal and/or written apology to victim;
- 13.1.6 mandatory education and training on sexual harassment by means of reading assignments, videos, classes, or other presentations; 13.1.7 requiring a written paper on the topic of sexual harassment;

- 13.1.8 referral for psychological assessment or treatment;
- 13.1.9 requiring parents to attend school with perpetrator;
- 13.1.10 involvement of police and other law enforcement authorities;
- 13.1.11 community service.

13.2 In addition, if the harassment is severe or persistent, an individual who violates this policy may be subject to alternate placement, suspension, exclusion, probation or termination. Moreover, students who violate this policy may lose the privilege of participating in extracurricular activities such as athletics, music programs, student government, cheerleading, graduation ceremonies, etc. These penalties may be imposed even for first offenses which are severe or extreme.

13.3 In determining what disciplinary or corrective action is appropriate, school officials shall consider the totality of the circumstances, including but not limited to:

- 13.3.1 the number of victims and harassers involved;
- 13.3.2 the ages of the victims and harassers; 13.3.3 the prior disciplinary record of the harasser;
- 13.3.4 the disability status of the victim and/or harasser;
- 13.3.5 the threatened or actual harm caused by the harassment;
- 13.3.6 the frequency and/or severity of the harassment.

13.4 If school administrators have reasonable suspicion that the harassment involves sexual assault, rape, or any other activity of a criminal nature, they shall notify appropriate law enforcement authorities and immediately initiate appropriate due process proceedings to remove the accused party from the situation.

13.5 If the alleged harasser is a student with a disability whose education involves services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, no suspension or expulsion longer than ten (10) school days or change of placement, or other steps shall be imposed until a School multi-disciplinary team meets to determine the extent to which the harassing behavior is or is not a manifestation of the student's disability.

## 14 FALSE COMPLAINTS

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

## 15 TRAINING

15.1 All students shall be informed of this policy in student handbooks, folders and registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student-body officers shall receive school training about the policy at the beginning of each school year.

15.2 All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the School's commitment to a harassment-free learning and working environment.

15.3 The principal, dean of students or Title IX/EEO Coordinator, and other administrative employees who have specific responsibilities for investigating and

resolving complaints of sexual harassment shall receive yearly training on this policy and related legal developments.

15.4 The principal and dean of students shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

## 16 RECORDS

Separate confidential records of sexual harassment complaints and school-level investigations shall be maintained in the principal or dean of student's office. Records of school investigations shall be maintained in the office of the Compliance Officer/Title IX Coordinator and/or in the Superintendent's office

16.1 Records of school-level (informal) investigations and resolutions shall be retained for at least one (1) year.

16.2 Records school investigations shall be retained for at least three (3) years.

16.3 Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo, other criminal acts, or acts which shock the conscience of a reasonable person shall be retained permanently.

## 17 POLICY DISSEMINATION AND REVIEW

17.1 A summary of this policy and related materials shall be posted in a prominent place in each School facility. The policy shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications as directed by the School Compliance Officer/Title IX Coordinator. In addition, notification shall be sent annually to each local newspaper for publication.

17.2 A committee of administrators, teachers, parents, enforcement authorities, and attorneys shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to update the policy accordingly.

Legal Reference:      2.1 20 U.S.C. §1681, Education Amendments of 1972, Title IX.  
                              2.2 34 C.F.R. §§106.1-106.71, U.S.  
                              2.3 42 U.S.C. §2000e, Civil Rights Act of 1964, Title VII.  
                              2.4 29 C.F.R. § 1604.11  
                              Montana Constitution Article X, Section 1;  
                              Montana Human Rights Act MCA, 49-2-101 et. seq.;  
                              Implementing State and Federal Regulations; MCA 49-3-101, et. seq.  
                              10.55.701, ARM      Board of Trustees  
                              10.55.719, ARM      Student Protection Procedures

### Policy History:

Adopted on: 01-27-04

Revised on: 05-11-06

11-14-14

## **MSDB STUDENTS**

### Hazing, Harassment, Bullying, Intimidation, Cyberbullying 3226

The Board will strive to provide a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited in the School and Cottages and shall not be tolerated. This includes persistent threatening, insulting, or demeaning gestures or physical conduct, including intentional written, verbal or electronic communication or threats directed against a student or students regardless of the underlying reason. Prohibited behavior is not allowed in the classrooms or cottages or on any school property or at any time or location where the school is responsible for the student including when the student is traveling to or from school or on a school bus or other school related transportation.

#### Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in School business, such as employees of businesses or organizations participating in cooperative work programs with the School and others not directly subject to School control at inter-School and intra-School athletic competitions or other school events.
2. "School" includes School facilities, School premises, and non-School property if the student, employee, or third party is at any School-sponsored, School-approved, or School-related activity or function, such as concerts, award ceremonies, field trips or athletic events, where students, staff, or third parties are under the control of the School or where the employee or students are engaged in School 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 School-sponsored activity or grade-level attainment, including, but not limited to, forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any willful act which would cause a reasonable individual or group to feel harassed based on unwanted or unwelcome, persistent abusive behavior of a nonverbal, verbal, written, or physical nature, on the basis of age, race, religion, color, creed, national origin, sex, sexual orientation, ancestry, disability, or marital status or that contributes to or creates a hostile or offensive environment in the school or cottages.
5. "Bullying" is unwanted, repeated, aggressive behavior that involves a real or perceived imbalance of power and is any act that substantially interferes with a student's educational benefits, opportunities, or performance. Regardless of the underlying reason(s) bullying or intimidation will not be tolerated on or immediately adjacent to

school grounds, at any school/cottage sponsored activity, on school-provided transportation, or 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 or cottage function, and that has the effect of:

1. physically harming a student or damaging a student's property;
  2. knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
  3. creating a hostile educational environment.
6. "Intimidation" includes, but is not limited to, any threat or act intended to tamper with, substantially damage, or interfere with another's person or property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury.
  7. "Cyberbullying" is the use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings (including blogs).

All reports of harassment in cyberspace will be investigated fully.

### 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, bullying, or menacing in violation of this policy is encouraged to immediately report his/her concerns to the principal, dean of students, business manager, or the superintendent, who have overall responsibility for such investigations. This report may be made anonymously. Reports of violations of this policy by staff or third parties may use the Uniform Grievance Procedure outlined in the Community Relations Policy 4310 "Public Complaints." A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate official. Complaints against the building principal, dean of students, business manager, shall be filed with the superintendent.

Reports of students violating this policy should be made by staff according to the procedures outlined in MSDB Policy 3300, Progressive Discipline Plan, using the Student Incident Report.

### Investigation of Reports

Complaints against the superintendent shall be filed with the Board. It is the responsibility of the Superintendent or designee to provide timely notification of the findings of investigations and actions to the alleged victim or complainant, parents or guardians of any student named in reports if the student is a minor.

### Responsibilities

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

### Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion in accordance with MSDB Policy 3311. 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 Superintendent 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 References:

- § 45-8-213, MCA Privacy in communications
- § 20-5-202, MCA Suspension and expulsion
- §20-4-302, MCA Discipline and punishment of pupils, definition of corporal punishment, penalty, defense
- § 20-4-402, MCA Duties of district superintendent or county high school principal
- § 20-4-403, MCA Powers and duties of principal
- 10.55.719, ARM Student Protection Procedures
- 10.55.701 (1)(g), ARM Board of Trustees
- 10.55.801(1)(d), ARM School Climate
- 10.61.205-206, ARM Suspension
- 10.16.2711, ARM Student's Status During Exclusion from School
- Cite: "Suspension in Special Education", OPI 1995

### Cross Reference:

3310	Code of Student Behavior
3310P	Discipline of Students with Disabilities
3311	Student Suspension & Expulsion
4226	Hazing, Harassment, Bullying, Intimidation, Cyberbullying
5226	Hazing, Harassment, Bullying, Intimidation, Cyberbullying
4410	Relations with the Law Enforcement and Child Protective Agencies

Policy History:

Adopted on: 05-11-06

Revised on: 07-12-12

**MSDB  
STUDENTS 3226F**

Incident Report for Violations of MSDB Policies 3226, 4226, 5226

3226F

**Instructions:**

1. Complete Section I fully.
2. Sign bottom and turn in to the program administration.

**Section 1**

<b>Persons involved:</b>	<b>Date of Incident:</b>
	<b>Time of Incident:</b>
	<b>Location of Incident:</b>
<b>Incident Details</b> Describe what happened. Be specific and objective describing what took place:  What was done to resolve the problem and by whom:  What was the final outcome:  If the incident was an emergency was law enforcement contacted and by whom:	

**Do you feel that further intervention is necessary?** Yes \_\_\_\_ No \_\_\_\_

**Signature of person making report and date:**

**Section 2**

**Administrator taking report/date:**

**Board Member contact:**

**Date:**

**By whom:**

**Summary of action taken by whom and when:**

**Date of follow-up communication with person making the report:**

**Policy History:**

Adopted on: 07-12-12

Revised on:

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## **MSDB STUDENTS**

### Searches and Seizure 3231

To maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects within the cottage premises.

#### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, bedrooms, and parking lots), as well as personal effects left there by the student, without notice or consent of the student. This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to searches by school personnel of his/her vehicle and personal effects therein when school personnel have a reasonable suspicion of wrongdoing.

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

#### Students

School authorities may search the student and/or the student's personal effects in the student's possession when there are reasonable grounds for suspecting that the search will produce evidence that the particular student has violated or is violating the law or MSDB's Code of Student Behavior. The search itself must be conducted in a manner which is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

#### Seizure of Property

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

#### Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENT**

### Procedure for Searches and Seizure 3231P

The following procedure shall apply to any searches and the seizure of any property by School personnel:

1. The Superintendent, principal, dean of students or authorized designee shall be authorized to conduct any searches or to seize property on or near the MSDB campus, as further provided in this procedure.
2. If the authorized administrator or designee has reasonable suspicion to believe that any locker, car, or other container of any kind on school or cottage premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or MSDB, the administrator or designee is authorized to conduct a search of any car or container and to seize any such item or substance. The authorized administrator or designee may perform random searches of any locker, car, or container of any kind on school premises without notice or consent.
3. If the authorized administrator or designee has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or MSDB, the administrator or designee is authorized to conduct search of any car or container and to seize any such item or substance.
4. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
5. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator or designee. A copy shall be forwarded to the Superintendent as soon as possible.
6. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
7. In any situation where the administrator or designee is in doubt as to the propriety of proceeding with any search or seizure, the administrator or designee is authorized to report to and comply with the directions of any public law enforcement agency.

#### Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENT**

### Progressive Discipline Plan 3300

#### **PROGRESSIVE DISCIPLINE PLAN DISCIPLINARY ACTIONS**

MSDB has established the following **Progressive Discipline Plan** for dealing with minor and major infractions which occur during the school day and in the cottage during the evening and on weekends.

#### **MINOR INFRACTIONS LEVEL 1 DISCIPLINE**

Minor infractions include any violation of classroom/cottage rules or behavior programs. These behaviors typically include noncompliance, lack of cooperation, disrespect and use of inappropriate language, and unsafe behavior or actions. Specifically, behavior which constitutes a minor infraction includes, but is not limited to: tardiness, lack of preparation, failure to complete assignments or complete them on time, pushing, wrestling, running, name calling, swearing, improper use of equipment, acting without permission, taking or hiding things that do not belong to them, not caring properly for their own possessions, and failure to comply with directions. These behaviors interfere with the rights of others to live and work in a productive and harmonious classroom or cottage environment.

It is the teacher / cottage life attendant's responsibility to see that effective behavior programs are established and that positive working relationships exist between themselves and the students and among the students they are assigned to teach and/or supervise.

The students are expected, at all times, to participate in behavior programs and cooperate with rules that have been established. When behavior programs or rules are violated, students are expected to accept the established consequences and work cooperatively with teachers/cottage life attendants and other students to improve their behavior. The following procedure will be used to address minor infractions of established student behavior codes for the classroom and cottage.

#### IN THE CLASSROOM / COTTAGE

1. Teacher / Cottage Life Attendant establishes classroom / cottage rules and/or behavior management program.
2. Rules and consequences are posted.

#### OUT OF THE CLASSROOM /COTTAGE

1. Teacher / Cottage Life Attendant addresses student who is misbehaving.
2. Warning given and a Student Incident Report, 3300P, is given to the student and a copy is sent to the principal or dean of students.

- |  |   |
|--|---|
| <p>3. Teacher / Cottage Life Attendant implements consequences and/or behavior management strategies to help the student conform with the rules.</p>   | <p>3. Upon receiving three Student Incident Reports for the same or similar misbehavior, the student is required to attend a conference with the principal, dean of students, or a designee.</p>  |
| <p>4. Upon violating the same or similar rule three designee returns times or when the teacher / cottage life attendant has exhausted established management strategies, a Student Incident Report, 3300P, is completed and the student is required to attend a conference with the principal, dean of students or designee.</p> | <p>4. The principal, dean of students or a copy of the Student Incident Report to the referring parent teacher or cottage life attendant and the parent noting the action that was taken and any recommendations for future action on the part of the staff person.</p> |
| <p>5. The principal, dean of students or designee returns a copy of Student Incident Report to the referring teacher or cottage life attendant and the parent(s) noting the action that was taken and any recommendations for future action on the part of the staff person.</p>   |   |

When a student has been referred to the principal or dean of students on the third Student Incident Report, the student may be considered by the administration to be a habitual offender and all further action will follow the procedures established for Level 2 Discipline.

### **MAJOR INFRACTIONS/HABITUAL BEHAVIORS LEVEL 2 DISCIPLINE**

Major Infractions are those behaviors which are a gross manifestation of disobedience or misconduct, are disruptive to the mission, process and function of the school, or which pose an imminent threat to the health and safety of other students, school staff, other individuals who are on school property or to the offending student him or herself. Major Infractions include, but are not limited to, violations of MSDB Policy 3310, Code of Student Behavior:

- |                                  |  |
|----------------------------------|--|
| <p><b>HABITUAL BEHAVIOR:</b></p> | <p>A student shall not willfully repeat a violation of established classroom/cottage rules or behavior management programs. If, in dealing with repeated violations, a teacher or cottage life attendant has exhausted established consequences or management strategies, the student will be considered a habitual offender and a Student Incident Report, 3300P, will be completed by the teacher/cottage life attendant and forwarded to the principal or dean of students.</p> |
| <p><b>FIGHTING:</b></p>          | <p>A student shall not willfully have physical contact with another student in anger and/or with the intent to injure.</p>   |

**PHYSICAL ABUSE:** A student shall not use physical force or have physical contact with another student for the purpose of coercion or intimidation, or to inflict pain or injury.

**VERBAL ABUSE:** A student shall not direct harassing, vulgar, or derogatory remarks toward any person.

**HAZING:** A student shall not act in a way that recklessly or intentionally endangers the mental or physical health or safety of another student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any school-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, or 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.

**HARASSEMENT:** A student shall not act in a willful way that would cause a reasonable individual or group to feel harassed based on unwanted or unwelcome, and persistent abusive behavior of a nonverbal, verbal, written, or physical nature,

on the basis of age, race, religion, color, creed, national origin, sex, sexual orientation, ancestry, disability, or marital status or that contributes to or creates a hostile or offensive environment in the school or cottages.

**BULLYING:** Regardless of the underlying reason, a student shall not act in a way that is unwanted, aggressive, repeated, and involves a real or perceived imbalance of power that substantially interferes with another student's educational benefits, opportunities, or performance. Bullying is any behavior 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; or
- c) creating a hostile educational environment.

Bullying or intimidation will not be tolerated on or immediately adjacent to school grounds, at any school/cottage sponsored activity, on school-provided transportation, or at any official school bus stop or anywhere conduct may reasonably be considered to be a threat or an interference with school purposes or an educational or cottage function.

**INTIMIDATION:** Regardless of the underlying reason, a student shall not act in a way that but is intended to threaten, tamper with, substantially damage, or interfere

with another student or his or her property, cause substantial inconvenience, subject another student to offensive physical contact, or inflict serious physical injury.

**CYBERBULLYING:** A student shall not use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings (including blogs).

**THEFT, LOSS OR DESTRUCTION OF SCHOOL PROPERTY:** A student shall not deliberately take another's property without permission or deliberately take, damage or destroy school property, or another's personal property.

**ARSON:** A student shall not intentionally set fire, or attempt to set fire, or intentionally engage in conduct which may reasonably be foreseen to set fire to school property or the personal property of another, nor shall a student participate in or encourage another person to participate in such conduct.

**WEAPONS:** A student shall not carry, use, possess, conceal or transmit, on school property, a weapon as defined in MSDB Student Policy 3310, Code of Student Behavior. Students found in possession of a weapon shall be immediately subject to discipline under the Federal "Gun Free Schools Act," and MSDB Student Policy 3315, MSDB Policy on Gun Free Schools.

**SIMULATED WEAPONS:** No student may carry, use, possess, conceal or transmit, on school property, a simulated weapon as defined in MSDB Student Policy 3310, Code of Student Behavior.

**DRUGS OR ALCOHOL:** A student shall not use, possess, or cause others to use or possess any controlled substance including any and all forms of prescription drugs and any and all forms of alcohol as defined in MSDB Student Policy 3310, Code of Student Behavior.

**TOBACCO:** A student shall not use or possess or cause others to use or possess tobacco products of any kind on school property.

**GAMBLING:** A student shall not participate in or encourage or cause others to participate in games of chance for stakes or to possess gambling devices such as video games or other items that are used to promote a game of chance. Students shall not participate or encourage others to engage in

internet gambling.

ROBBERY OR EXTORTION:	A student shall not take or obtain property of another person by means or reason of violence, force, threat of force, coercion, intimidation, fear, passive resistance, or any other conduct intended to cause another to give property to the student or another student against his/her will.
GANG ACTIVITY:	A student shall not participate in individual or group activities, wear any clothing or use language, symbols or signs that denote membership in or an affiliation with a criminal gang as defined in MSDB Student Policy 3310, Code of Student Behavior.
DISRUPTION OF SCHOOL OR COTTAGE LIFE:	A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, gambling, or any other conduct intentionally cause the substantial or material disruption or obstruction of any mission, process or function of the school. Neither shall a student engage in, or urge another student to engage in activities or behavior with the purpose of disrupting or obstructing the mission, process or function of the school.
TRUANCY:	A student shall not willfully be absent from class or school without proper authority.
DEFIANCE:	A student shall not willfully refuse to obey a direct request or order given by the adult in charge.
INTIMATE/ SEXUAL BEHAVIOR	A student shall not engage in intimate sexual behavior, including but not limited to intimate fondling, petting, or sexual intercourse on school property or while at a school activity, function, event or on the way to or from a school activity, function or event.
VIOLATION OF THE LAW:	A student who violates any state or federal law in a school building or on school property, at a school sponsored activity, function or event, or on the way to or from school or a school activity, function or event, will be reported to the proper law enforcement agency. The student will be subject to the Level 2 Discipline Procedure whether or not a criminal citation, arrest, prosecution or conviction results from the violation.

Whether occurring inside or outside of the classroom/cottage, all behaviors constituting a major infraction of MSDB Policy 3310, Code of Student Behavior, are to be addressed by the following procedure:

#### Upon First Referral of a Major Infraction

1. The principal, dean of students or designee will immediately be contacted by the teacher or cottage life attendant and a decision will be made whether to hold the student in the

classroom or cottage or to send the student to the office.

2. The teacher or cottage life attendant will complete and forward to the principal or dean of students, a Student Incident Report as soon as is reasonably possible, but not later than the end of the day.
3. The principal, dean of students or designee will confer with the student as soon as is reasonably possible, but not later than 24 hours after the infraction has occurred.
4. After considering the initial report of the teacher or cottage life attendant, the principal or dean of students may:
  - a) reprimand the student and return the student to class or the cottage with or without conditions, or
  - b) hold the student in “In School Suspension” (ISS) or “In Cottage Suspension” (ICS) for up to 24 hours and then return the student to class or the cottage with or without conditions.
5. The principal or dean of students will return a copy of the Student Incident Report to the referring teacher or cottage life attendant and the parent(s) noting the action that was taken and any recommendations for future action on the part of the staff person.

#### Upon Second Referral or at the Discretion of the Administration Upon First Referral

1. The student will immediately be sent to the principal or dean of students and will be placed in ISS or ICS until a team meeting can be held to discuss the infraction, a period of not more than 24 hours.
2. The teacher or cottage life attendant will complete and forward a Student Incident Report to the principal or dean of students as soon as is reasonably possible, but not later than the end of the day.
3. The administration will hold a team meeting consisting of all available staff who have regular contact with the student, and the principal, dean of students or a designee, and the school psychologist, will meet as soon as possible after the incident to discuss information from the Student Incident Report, relevant behavioral data, antecedents, and patterns of behavior, and to develop strategies to help the student improve his/her behavior and return to the classroom and/or cottage environment as quickly as possible. The student support Team will recommend appropriate disciplinary action, which may include, but is not limited to:
  - a) Severe reprimand
  - b) Parent conference
  - c) Referral to counseling
  - d) Additional ISS or ICS
  - e) Suspension for extra curricular activities
  - f) Suspension from school
  - g) Conducting an IEP meeting
  - h) Conducting a functional behavior assessment



i) Developing and implementing a behavior plan

4. Disposition of any disciplinary action shall be the responsibility of the administration. In all cases involving habitual behavior or Major Infractions of the Code of Student Behavior, the student's age, maturity level, and emotional state must be given due consideration. Also, in all cases where "suspension" is to be considered, an Intervention Team consisting of the appropriate administration and staff members may be employed. Compliance with MSDB Student Policy 3311 Student Suspension and Expulsion will be sustained.

If a student commits an illegal act, MSDB is required to call the Great Falls Police Department to conduct a criminal investigation. If the infraction constitutes a violation of law, the Student Incident Report will be used as a basis for making a report to the proper law enforcement agency.

In compliance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sections 1400-1485, Section 504 of the Rehabilitation of the Handicapped Act, 29 U.S.C. Section 706 and 20-5-202, MCA Suspension and Expulsion, if a student's behavior poses a danger to him/herself or others, the student may be reevaluated, and an IEP meeting held to determine the student's present needs and the appropriate program placement necessary to meet those needs.

Legal References: Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sections 1400-1485

Section 504 of the Rehabilitation of the Handicapped Act, 29 U.S.C. Section 706

§ 20-5-202, MCA Suspension and Expulsion

MSDB Student 3311 Student Suspension and Expulsion

20 U.S.C. § 8921, et seq. Gun Free Schools Act of 1994

MSDB Student 3315 MSDB Policy on Gun Free Schools

MSDB Student 3300 Progressive Discipline Plan

§ 20-4-302, MCA Discipline and punishment of pupils

§ 45-8-213, MCA Privacy in communications

10.55.719, ARM Student Protection Procedures

Cross Reference:

3310

Code of Student Behavior

3310P

Discipline of Students with Disabilities

3311

Student Suspension & Expulsion

3226

Hazing, Harassment, Bullying, Intimidation, Cyberbullying

Policy History:

Adopted on: 01-10-03

Revised on: 07-12-12

# MSDB STUDENT

## Student Incident Report 3300F

The form is to be used anytime a student is involved in an incident that requires disciplinary action under the Code of Student Behavior, Student Policy 3310, or when further intervention from the principal or dean of student is requested.

Staff _____	Date of Report _____
Student(s) _____	Date of Incident _____
	Time of Incident _____

### SITUATION:

#### MINOR INFRACTION (Progressive Discipline Plan – Level 1)

Failure to clean Room / Locker / Area		Failure to Go to Bed on Time
Improper Use of Equipment		Failure to Perform Assignments / Duties
Disrespect / Lack of Cooperation		Failure to Obey Safety Rules
Wrestling / Fighting		Name Calling
Running / Pushing		Swearing / Obscene Language
Failure to Use Proper Sign Out Procedures		Taking Things without Permission / Stealing
Tardiness		Failure to Comply with Directions
Out of Assigned Area		Other

#### MAJOR INFRACTION -To be accompanied by an IMMEDIATE verbal report to the office staff

(Progressive Discipline Plan – Level 2)

Habitual Behavior		Fighting
Physical Abuse		Verbal Abuse
Hazing,		Harassment
Bullying, Intimidation		Cyberbullying
Theft, Loss, Arson or Destruction of Property Belonging to the School or Other Person		Possession / Use of a Weapon or Simulated Weapon
Arson		Possession of Drugs, Alcohol or Tobacco
Gambling		Robbery or Extortion
Gang Activity		Disruption of School or Cottage Life
Truancy		Defiance
Intimate or Sexual Behavior		Odd / Unexplained Behavior
Suicidal Comments / Extreme Depression		Other

#### ACTION TAKEN BY STAFF/COMMENTS: Use additional sheets if necessary

Description of Student Behavior
Description of Staff Action/Intervention
Summary of Student Interview
Data Sheet Attached Yes ___ No ___
Parents Contacted Yes ___ No ___ Date _____ Time _____
Summary of Contact

REQUEST FOR FURTHER INTERVENTION? YES NO

TO BE COMPLETED BY THE PRINCIPAL OR DEAN OF STUDENTS

ACTION TAKEN:	
SIGNATURE: _____	DATE OF REVIEW: _____
Copies sent to:	
<input type="checkbox"/> Superintendent <input type="checkbox"/> Dean of Students <input type="checkbox"/> Principal	

Policy History:

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Adopted on: 10-14-92  
Revised on: 01-10-03  
07-12-12

## **MSDB STUDENTS**

### Code of Student Behavior     3310

The key to student success is motivated learning and positive student behavior. Good management of the classroom and cottage environments and quality relationships between the staff and students go a long way toward promoting and maintaining good behavior. At MSDB each teacher and cottage life attendant, as well as each of the administrative staff is responsible for maintaining order and discipline among students by applying the following Code of Student Behavior and implementing procedures established in the MSDB Progressive Discipline Plan.

It is the administration's responsibility to take reasonable measures to protect students and school personnel from reasonably foreseeable dangerous or socially detrimental student behavior. Actions taken to control and correct undesirable student behavior should take individual circumstances into account. Concern for the safety and educational welfare of all students must be the major priority. Students who receive or who have been identified as qualifying for special education and/or 504 services, shall be disciplined in accordance with the provisions of Part B of the Individuals with Disabilities Education Act (IDEA), 20 W.S.C. Sections 1400-1485 and Section 504 of the Rehabilitation of the Handicapped Act, 29 U.S.C. Section 706.

I. When a student commits any act defined below as a Major Infraction or Habitual Behavior, it may result in discipline up to and including suspension of the student from school or recommended for expulsion, in accordance with MSDB Student Policies 3311, § 20-5-202, MCA Suspension and Expulsion.

II. Discipline may be imposed for conduct that occurs:

A. At any time in school buildings or on school grounds, whether or not school is in session.

B. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function, or event or within sufficient proximity to school property that the conduct may have a direct impact upon the health, welfare, and safety of students or school employees.

C. At a location unrelated to the school or school activities if the conduct engaged in demonstrates that the student may continue to pose an ongoing threat to the health and safety of others.

III. Major infraction are those behaviors which are a gross manifestation of disobedience or misconduct, are disruptive to the mission, process and function of the school and/or pose an imminent threat to the health and safety of other students, school staff, other individuals who are on school property or to the offending student himself or herself.

Major infractions include, but are not limited to:

**Fighting:** A student shall not willfully have physical contact with another student in anger and/or with the intent to injure.

**Physical Abuse:** A student shall not use physical force or have physical contact with another student for the purpose of coercion or intimidation, or to inflict pain or injury.

**Verbal Abuse:** A student shall not direct harassing, vulgar, or derogatory remarks toward any person.

**Hazing:** A student shall not act in a way that recklessly or intentionally endangers the mental or physical health or safety of another student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any school-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, or 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.

**Harassment:** A student shall not act in a willful way that would cause a reasonable individual or group to feel harassed based on unwanted or unwelcome, and persistent abusive behavior of a nonverbal, verbal, written, or physical nature, on the basis of age, race, religion, color, creed, national origin, sex, sexual orientation, ancestry, disability, or marital status or that contributes to or creates a hostile or offensive environment in the school or cottages.

**Bullying:** Regardless of the underlying reason, a student shall not act in a way that is unwanted, aggressive, repeated, and involves a real or perceived imbalance of power that substantially interferes with another student's educational benefits, opportunities, or performance.

Bullying is any behavior 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; or
- c) creating a hostile educational environment.

Bullying or intimidation will not be tolerated on or immediately adjacent to school grounds, at any school/cottage sponsored activity, on school-provided transportation, or at any official school bus stop or anywhere conduct may reasonably be considered to be a threat or an interference with school purposes or an educational or cottage function.

**Intimidation:** Regardless of the underlying reason, a student shall not act in a way that but is intended to threaten, tamper with, substantially damage, or interfere with another student or his or her property, cause substantial inconvenience, subject another student to offensive physical contact, or inflict serious physical injury.

**Cyberbullying:** A student shall not use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings (including blogs).

**Theft, Loss or Destruction of School Property:** A student shall not deliberately take another's property without permission or deliberately take, damage or destroy school property, or another's personal property.

**Arson:** A student shall not intentionally set fire, or attempt to set fire, or intentionally engage in conduct which may reasonably be foreseen to set fire to school property or the personal property of another, nor shall a student participate in or encourage another person to participate in such conduct.

**Weapons:** A student shall not carry, use, possess, conceal or transmit, on school property, any weapon. A weapon is defined as, "Any item brought on to school property or into any school building or vehicle which can be used to harm or cause bodily injury or death to oneself or others." This includes any normally non-dangerous items such as a stone, utensil, board, stick, or baseball bat that are carried, possessed, or used to, in any manner, harm, bully, intimidate or threaten anyone.

Items specifically defined as weapons include, but are not limited: 1) firearms, whether loaded or unloaded including, but not limited to, pistols, rifles, zip guns; 2) shot guns, BB or pellet guns, explosives, explosive propellant, matches, any explosive or flammable materials, fireworks or firecrackers; 3) destructive devices or ammunition; 4) knives, including but not limited to, switch blades, pen, pocket or hunting knives; 5) razor blades, ice picks, dirks or other sharp instruments; 6) nunchakus, brass knuckles, pipes, Chinese stars, or bill clubs. Students found in possession of a weapon shall be immediately subject to discipline under the Federal 'Gun Free Schools Act,' and MSDB Student Policy 3315, MSDB Policy on Gun Free Schools.

**Simulated Weapons:** No student may carry, use, possess, conceal or transmit, on school property, a simulated weapon. This prohibition includes, but is not limited to any "toy" or nonfunctional implement which bears a substantial visual

resemblance to any item defined as a weapon.

Drugs or Alcohol:	A student shall not use, possess, sell or cause or encourage any other person to use or possess prescription or narcotic drugs or narcotic/drug paraphernalia, any alcoholic beverages or any form of alcohol, or any substances represented to be a drug or alcohol.
Tobacco:	A student shall not use or possess or cause others to use or possess tobacco products of any kind on school property.
Gambling:	A student shall not participate in or encourage or cause others to participate in games of chance for stakes or to possess gambling devices such as video games or other items that are used to promote a game of chance. Students shall not participate or encourage others to engage in Internet gambling.
Robbery or Extortion:	A student shall not take or obtain property of another person by means of reason of violence, force, threat of force, coercion, intimidation, fear, passive resistance, or any other conduct intended to cause another to give property to the student or another against his/her will.
Gang Activity:	A student shall not participate in individual or group activities, wear any clothing or use language, symbols or signs that denote membership in or an affiliation with a criminal gang. A criminal gang is defined as a combination of persons organized formally or informally, which; (a) has a common or identifying symbol; (b) has particular conduct, status and customs indicative of it; and (c) has as any one of its common activities the intent to engage in criminal activity.
Disruption Of School or Cottage Life:	A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, gambling, or any other conduct intentionally cause the substantial or material disruption or obstruction of any mission, process or function of the school. Neither shall a student engage in, or urge another student to engage in activities or behavior with the purpose of disrupting or obstructing the mission, process or function of the school.
Truancy:	A student shall not willfully be absent from class or school without proper authority.
Defiance:	A student shall not willfully refuse to obey a direct request or order given by the adult in charge.
Intimate/ Sexual Behavior	A student shall not engage in intimate sexual behavior, including but not limited to intimate fondling, petting, or sexual intercourse on school property or while at a school activity, function, event or on the way to or from a school activity, function or event.

Violation of the Law: A student who violates any state or federal law in a school building or on school property, at a school sponsored activity, function or event, or on the way to or from school or a school activity, function or event, will be reported to the proper law enforcement agency. The student will be subject to the Level 2 of the Progressive Discipline Plan procedures whether or not a criminal citation, arrest, prosecution or conviction results from the violation.

IV. Habitual Behavior. A student shall not willfully repeat a violation of established classroom/cottage rules or behavior management programs. If, in dealing with repeat violations, a teacher or cottage life attendant has exhausted consequences or management strategies, the student will be considered a habitual offender and a Student Incident Report will be completed by the teacher/cottage life attendant and forwarded to the principal or dean of students.

V. All violation of the Code of Student Behavior will be addressed through the procedure outlined in Student Policy 3300, Progressive Discipline Plan. All recommendations for disciplinary action will come from the administration and all action taken will be approved by the MSDB administration.

A. When it is determined by the administration that the physical actions or behavior of a student poses a clear and present danger to him/herself or other persons or property, the student may be removed from the school immediately, subject to the following conditions:

1. The student's parents or guardian will be contacted as soon as reasonably possible and will be notified of the reason for the removal.
2. The student will be given an explanation of the reason for his/her removal.
3. The student will be afforded an opportunity to explain his/her conduct.
4. A recommendation for suspension or expulsion of the student will be initiated immediately.
5. A hearing will be conducted as soon as practicable thereafter. In no case may a student be suspended from school for more than 10 days during a given school year without the school's compliance with MSDB Student Policy 3311, Student Suspension and Expulsion.

#### Legal References:

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sections 1400-1485  
 Section 504 of the Rehabilitation of the Handicapped Act, 29 U.S.C. Section 706  
 MSDB Student 3300, Progressive Discipline Plan  
 MSDB Student 3311, Student Suspension and Expulsion  
 MSDB Student 3315, Gun Free Schools  
 MSDB Student 3226, Hazing, Harassment, Bullying, Intimidation, Cyberbullying



§ 20-4-032, MCA Discipline and Punishment of Pupils  
 § 45-8-213, MCA Privacy in Communications  
 10.55.719, ARM Student Protection Procedures

Policy History:

Adopted on: 01-10-03

Revised on: 05-11-06

Revised on: 07-12-12

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student's placement for ten (10) consecutive school days or less.

**MSDB  
STUDENTS**

Discipline of Students with Disabilities 3310P

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

During the first ten (10) cumulative school days of removal in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. *Reg. 300.121(d)(1).*



School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. *Reg. 300.520(a)(1)(i).*



A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. *Reg. 300.519(b)*. If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. *Reg. 300.523 (a)*.

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Beginning with the 11<sup>th</sup> day of disciplinary removals in a school year, educational services must be provided. *Reg. 300.520 (a)(1)(ii); Reg. 300.121(d)(2)(i)(A)*. If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the services to be provided. *Reg. 300.121(d)(3)(i)*.



The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(A)*.

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



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After the functional behavior assessment is completed, the IEP Team meets as soon as possible to develop and implement the plan. *Reg. 300.520(b)(1)(ii)*.

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



If the student is assigned to a different placement for disciplinary removals in a school year for more than ten (10) school days, the IEP Team members (including the parent) must informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2)*.



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

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

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

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



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



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



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

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

- the IEP and placement were consistent with the context of the student's IEP and placement;
- the disability did not impede the student to understand and consequences of the behavior and
- the disability did not impede the student to control the misbehavior.

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

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

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

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

If the IEP Team determines any of standards were not met, the misbehavior is not a manifestation of the disability, and punishment may be assessed. *Reg. 300.523(d).* If the IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*

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

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

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## Drug and Weapon Offenses by Students with Disabilities

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

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

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

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2.5 inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).*



School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i).* (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided.)

If a criminal act has been committed, a report shall be filed, and special education records shall be transmitted to the appropriate authorities to whom the extent disclosure is permitted. *Sec. 1415(k)(9); Reg. 300.520(d)(4).*

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

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

At time decision is made, school personnel shall provide parents with a written decision and provide parents with a copy of the IEP. *Reg. 300.504. Sec. 1415(k)(1); Reg. 300.523(a)(1).*

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



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

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

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

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



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

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

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

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

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



## Students Dangerous to Self or Others

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

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



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



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

Hearing officer must also:

- consider the appropriateness of the current placement.
- consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher

- enables the student to participate in the general curriculum, although in another setting;
- enables the student to continue to receive those

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

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

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



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

#### Procedure History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENTS**

### Student Suspension & Expulsion 3311

A student with a disability (one of the disabilities defined in the Individuals with Disabilities Education Act (IDEA) ) is subject to suspension or expulsion (removal from his or her current educational placement and the cessation of educational services by MSDB) from school for 10 school days or less per school year on the same basis as a student without a disability.

If a student with a disability is endangering him/herself and/or others, to include teaching and cottage staff, the school shall take emergency action to protect the student and/or others from harm. This may, in extreme cases, involve calling the police.

The school may not suspend a student with disabilities for more than 10 school days during a school year--keeping in mind that the Gun-Free Schools Act does not amend or create any exception to federal civil rights laws. Students with disabilities are still protected under 504 and IDEA and may be suspended for no more than 10 school days unless 1) the parent consents to an interim change in placement with educational services to be provided in an alternative placement; or 2) a temporary restraining order is issued by a court of competent jurisdiction; or 3) a Child Study Team (CST) determines that the misconduct is not a direct manifestation of the student's disability and the Individualized Education Program (IEP) team determines that the current placement is appropriate and the school continues to provide educational services; or 4) an IEP team determines that cumulative suspensions beyond 10 school days in one school year does not constitute a change in placement. If the court denies the TRO and the parent refuses to consent to a change in placement, the student shall be returned to his/her placement and appropriate services provided immediately after the 10th day of suspension unless the misconduct involves violation of the Gun Free Schools Act. Changes in program or placement must be made by an Individualized Education Program (IEP) team in accordance with IDEA procedures.

The following procedure shall be followed if an incident occurs which may require suspension of the student with disabilities for more than ten (10) school days in one school year.

On the day of the incident the school shall suspend the student with disabilities in the same manner as students without disabilities and immediately advise the parents or guardians of the suspension, reason for the suspension and provide a copy of MSDB policy procedures for suspension and due process.

After completion of the above, the Crisis Prevention Team will review records of the student with disabilities to determine if the suspension will result in a change in placement.

On the day after the incident the school shall notify the parents that the school will hold a meeting to determine if the misconduct of the student is directly related to the student's disability and review the student's educational records including special education assessments and disciplinary referrals to determine if evaluation information is current and whether additional assessment of the student's abilities is warranted at this time. Before the tenth day the school shall convene the evaluation team

meeting and placement team meeting to determine causal relationship between the student's misconduct and the student's disability and appropriateness of the student's current educational program placement.

On the eleventh day of suspension the school must review the process to ensure that the student with disabilities is receiving a free appropriate public education in accordance with proper procedures and determinations.

The Crisis Management Team shall have drawn up a prescriptive behavior management plan which will be thoroughly explained to the parents/guardians and child which will constitute the basis for the child's re-admittance to school and may become part of the child's IEP. If this is not successful, MSDB will pursue judicial relief to have the student removed permanently (expelled) from residential and school placement.

Cite: "Suspension in Special Education", OPI 1995  
MCA 20-5-202, 20-4-302, 20-4-402, 20-4-403  
Administrative Rules of Montana 10.16.2711 Student's Status During Exclusion from  
School  
ARM 10.61.205-206  
10.55.701, ARM Board of Trustees

Policy History:

Adopted on: 04-13-76  
Revised on: 03-06-97  
Revised on: 11-14-14

## **MSDB STUDENTS**

### Gun Free Schools 3315

In accordance with the provisions of the Gun Free Schools Act, no student shall possess any firearm, without authorization, on school property, on the way to or from school or during any activities.

Violation of this provision may result in school expulsion for a period of one calendar year by the Board of Public Education. The administration may make exceptions on a case by case basis to suspend the party(s) involved pending a hearing before the Board. Modifications to the one year expulsion may be made by the Board on a case by case basis.

The term "firearm" shall be defined as provided in (18 USC 921). This term shall include any weapon which is designed, or may be readily converted, to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such weapon, or any explosive, incendiary or poison gas.

The Superintendent may allow authorized persons to display firearms or other dangerous objects for educational purposes. Advance written permission must be received before such objects may be brought onto school property. The firearm must be unloaded and in a condition which renders it incapable of being fired. No ammunition for the firearm may be on school property concurrently with the firearm. At the conclusion of the display, the firearm must be immediately removed from school property.

If a student violating this policy is identified as a child with disabilities either under the IDEA or section 504, a determination must be made whether the child's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or section 504, lawful procedures for changes in placement must be followed for suspensions greater than ten days and up to forty-five days.

Any student subject to expulsion shall be entitled to a hearing before the Board of Public Education and in accordance with applicable sections of 20-5-202 MCA. Nothing in this policy shall prevent the Board from making an alternative placement for a student in lieu of expulsion provided that such placement removes the student from the regular school program.

MSDB shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to other governmental agencies as required by law.

Legal Reference: 20 U.S.C. 8921 et. seq., Gun Free Schools Act of 1994

#### Policy History:

Adopted on: 01-27-94

Revised on:

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## **MSDB STUDENTS**

### Permission/Authorization for Extracurricular and Off-Campus Activities, Events and Visits on and off Campus 3351

The safety of the children attending school or residing in the cottages at MSDB is the school's paramount concern. For students attending school and living in the residential facilities, MSDB serves in place of the parent. To provide for the highest level of safety and security, the administration will require that all contacts between students and visitors are authorized by parents and that students have permission for participation in all extracurricular and off campus activities and events.

### Permission for Extracurricular and off-Campus Activities and Events

Throughout the school year students have the opportunity to participate in a wide variety of activities during and after school hours. Activities sponsored by MSDB will provide MSDB staff and faculty members in attendance as supervisors. Activities for which MSDB cannot ensure a level of reasonable or prudent care will not be sponsored by the school. However, some activities offered do expose students to a greater possibility of injury or accident, i.e. rollerskating or go-cart rides.

Parents will be asked to authorize permission for all field trips conducted as part of the regular classroom curriculum, as well as extracurricular and after school activities.

### Authorizing Visits On or Off Campus

All individuals who are not faculty or staff of MSDB and excluding students of MSDB, Great Falls High, East Middle School or Lewis and Clark Elementary, must have authorization by a parent or guardian of a specific student to visit with that student on the MSDB campus.

MSDB students will not be allowed to be escorted or transported off campus with any individual who has not been authorized by a parent or guardian.

The parent or guardian assumes responsibility for safety and well being of their student during the time that he/she is off campus with an authorized visitor.

Individuals who are not known to school/cottage faculty or staff will be asked for photo identification, usually a driver's license, prior to being permitted to visit with or escort a student off-campus.

The school and/or residential programs reserve the right to deny visitations or release of students to visitors if it is believed the safety or welfare of a student may be in jeopardy. This may include denial of permission to visit a specific individual or location off campus if the MSDB

administration has knowledge of, or reason to believe that a students' safety may be at risk. If visitation or release is denied, the parent/guardian will be notified with reason for the denial.

#### Obtaining Permissions and Authorizations

Permission for participation in school sponsored activities may be granted by a parent/guardian on a "blanket" (entire school year/season) or a "limited" (specific activity or date) basis.

Requests for permission/authorization may be initiated by a parent/guardian or school administration.

Authorization/permission may be granted through written correspondence, e-mail or fax or verbally by phone.

Cross Reference:      STUDENTS 3440P      Procedure for Release/Removal of Students

#### Policy History:

Adopted on: 03-15-02

Revised on:

## **MSDB STUDENTS**

### Student Health/Physical Screenings/Examinations 3410

The Board of Public Education may arrange each year for health services to be provided to all students. Such services may include, but not be limited to:

1. The development of procedures for the isolation and temporary care of students who become ill during the school day.
2. Consulting services of a qualified specialist for staff, students and parents.
3. Vision and hearing screening.
4. Dental screening.
5. Scoliosis screening.
6. Immunization as provided by the Department of Health and Human Services.

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

Other than examination of students who are injured or become ill during the school day or who live in the residential program, the School Health Services will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by the School is conducted which is:

1. Required as a condition of attendance.
2. Administered by the School and scheduled by the School in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described non-emergency, invasive physical examination or screening.

As used in this policy, the term "invasive physical examination" means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but this does not include a hearing, vision or scoliosis screening.



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

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

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

Policy History:  
Adopted on: 11-16-03  
Revised on:

## **MSDB STUDENTS**

### Youth Athletes and Brain Injury and Concussion Education Requirements 3411

The Montana School for the Deaf and the Blind will inform athletic trainers, coaches, officials, youth athletes, and parents or guardians of the nature and risk of brain injuries, including the effects of continuing to play after a concussion. The information, and training must be consistent with current medical knowledge and guidelines provided by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, as to:

- (a) the nature and risk of brain injuries associated with athletic activity;
- (b) the signs, symptoms, and behaviors consistent with a brain injury;
- (c) the need to alert a licensed health care professional for urgent recognition and treatment when a youth athlete exhibits signs, symptoms, or behaviors consistent with a concussion; and
- (d) the need to follow proper medical direction and protocols for treatment and returning to play after a youth athlete sustains a concussion.

Educational materials including the nature and risk of brain injuries and the effects of continuing to play after a concussion will be provided to, viewed and signed by each athlete and the athlete's parent or guardian and returned to an official designated by the school prior to the athlete's participation in organized athletic activities for the subsequent school year.

MSDB shall ensure access to a training program consistent with the guidelines identified in this policy. Each coach, athletic trainer, and official participating in organized youth athletic activities shall complete the training program at least once each school year.

MSDB may invite the participation of appropriate advocacy groups and sports governing bodies to facilitate training requirements contained in this policy.

Legal Reference:      SB112

#### Policy History:

Adopted on: 07-31-13

Revised on:

## **MSDB STUDENTS**

### Student Immunization 3413

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

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

A pupil who transfers into the Montana School for the Deaf and the Blind may photocopy immunization records in the possession of the school of origin. MSDB will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring pupil ceases attendance at the school of origin, MSDB must receive the original immunization records for the pupil who transfers to MSDB.

Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a physician indicating the specific nature and probable duration of the medical condition relied upon as a basis for not administering the vaccine(s). Exemptions for religious reasons must be filed annually. The statement for an exemption shall be maintained as part of the student's immunization record. The permanent file of students with immunization exemptions shall be marked for easy identification should the Department of Health order that exempted students be excluded from school temporarily when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar days.

The Superintendent may allow a student who has not been immunized against each disease listed in § 20-5-403, MCA, to commence attending school if that student has received one or more doses of polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, haemophilus influenza type "b", and tetanus vaccine.

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

<u>Legal Reference:</u>	§ 20-3-324(20), MCA	Powers and Duties
	§ 20-5-401 - 410, MCA	Health

### Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENT**

### Emergency Illness/Accidents 3415

In the event of injury or illness, the Board of Public Education recognizes that MSDB is responsible for providing first aid or emergency treatment, notifying the parent or guardian and in serious instances, summoning a doctor and/or arranging for hospitalization. In the case of day students, aid, care and communication with parents and monitoring of health care services will be provided by the staff of the health services program.

All accidents that occur on school property or during school activities should be reported to the principal and/or dean of student's office.

The Director of Health Services will develop uniform procedures for giving first aid and delegate necessary authority for arranging for medical attention and/or hospitalization, notifying parents, and officially reporting accidents. These procedures will be posted in the School and the staff will be informed of them.

The Board encourages its faculty and staff to become trained in first aid. The treatment of minor injuries or administering of medicine will only be performed by licensed health services staff and only when permission has been granted by the parent or guardian.

In the event a child is injured in school, first aid will be administered by the education or cottage staff until licensed health services staff reach the scene. If a child becomes acutely ill or is seriously injured, the school will inform the parents/guardian, who will make the decision whether to pick up the child at the School or meet the child at a health care facility when it is feasible for the parent to be in attendance. If the School is unable to reach the parents or if they choose to meet the child at the health care facility, the child may be transported by School personnel or by ambulance at the discretion of the Director of Health Services. If the School is unable to reach the parents, an attempt will be made to contact the child's personal physician as designated on the student's record.

Legal Reference: 10.55.701, ARM Board of Trustees

#### Policy History:

Adopted on: 10-14-92

Revised on: 11-16-03

11-14-14

## **MSDB STUDENTS**

### Procedure for Reporting Accidents/Injuries 3415P

In all cases where an accident has occurred and an injury of any type is incurred, the following procedures are to be followed:

1. Report the accident to health services and secure medical assistance if necessary.
2. Written "Accident/Injury Report", 3415F, should be completed by the following:
  - a. The staff member(s) that witnessed the accident or were the first on the scene.
  - b. Other witnesses.
  - c. The Director of Health Services or other nurse on duty to whom the accident was reported.
3. The written report must be submitted immediately or as soon as reasonably possible to the program supervisor where the illness or accident occurred:
  - a. Principal
  - b. Dean of Students

When an accident occurs and one or more of these individuals are not on duty, the report should be left in their mailbox for immediate attention the next day.

4. The dean of students and the principal are to be informed of all serious injuries regardless of the time of day or night.
5. The dean of students and the principal are to be contacted whenever a child is hospitalized regardless of the time of day or night.

#### Policy History:

Adopted on: 11-14-03

Revised on:

**Montana School for the Deaf and the Blind****Accident – Injury Report 3415F****To be completed by adult responsible for student at the time of injury or the injured individual**

Injured person: \_\_\_\_\_ Date: \_\_\_\_\_

Location of Accident: \_\_\_\_\_ Time of accident: \_\_\_\_\_ : \_\_\_\_\_  
PM or AM

Details of Accident: (write on back of form if necessary)

Please include possible area of injury for nurse to observe. For example: "Student involved in altercation with no visible signs of injury. Student was observed (or reported) being punched in the left bicep".

\_\_\_\_\_

\_\_\_\_\_

Person completing form: \_\_\_\_\_ Date: \_\_\_\_\_

**↓ To be completed by Health Services Staff Only ↓**

Details of Injury:

\_\_\_\_\_

\_\_\_\_\_

Vital signs: \_\_\_\_\_ Last Tetanus: \_\_\_\_\_

Treatment Administered:

\_\_\_\_\_

Parent/guardian notified: ☐ Yes ☐ No If no, why? \_\_\_\_\_Who was notified: \_\_\_\_\_ By whom? \_\_\_\_\_  
When? \_\_\_\_\_ : \_\_\_\_\_ PM or AM How? \_\_\_\_\_

Response of person notified:

\_\_\_\_\_

Disposition of person after treatment? \_\_\_\_\_ Follow-up required? Yes No  
Comments:

\_\_\_\_\_

\_\_\_\_\_

Signature of Nurse completing form: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Director of Health Services: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Dean of Students \_\_\_\_\_ Date: \_\_\_\_\_

Adopted on: 10-14-92  
Revised: 9-15-03

## **MSDB STUDENTS**

### Referral of Students to the Health Services      3416

When a teacher\* has a concern for the health of a student, he/she must refer this student to the Health Services to determine what that child's medical need may be. The procedure for referring a student to the Health Services is as follows:

#### **Students in the Deaf and Hard of Hearing Education Department:**

- 1) The teacher has a concern regarding the students' physical well being or the student is complaining of an illness.
- 2) The teacher will notify Jan Nelson.
- 3) Jan Nelson will notify the Health Services department to see if the student can be seen.
- 4) Jan Nelson will notify the teacher and instruct the teacher to either send the student or wait. The teacher will send the student to Jan Nelson for a pass to the Health Services. The teacher should also fill out an Accident/Injury report if applicable.
- 5) The student shall go to the Health Services and upon arrival, the following may take place after examination of the student:
  - a) Return the student back to class if the concern is not significant (a note or phone call from the Health Services will describe the outcome of the examination).
  - b) Notify the parent if the student will need some kind of care by the Health Services department or if a day student may need to be picked up.
  - c) The student will be admitted to the Health Services for care if they are a residential student and/or the parent is unable to pick up the child within a short time.
  - d) The Health Services staff will notify Jan Nelson of the outcome of the referral.

#### **Students in the Blind and Visually Impaired Education Department:**

- 1) The teacher has a concern regarding the students' physical well being or the student is complaining of an illness.
- 2) The teacher will contact the Health Services to see if a student can be seen.
- 3) The student shall go to the Health Services (the teacher should fill out an Accident/Injury report if applicable) and upon arrival, the following may take place after examination of the student:
  - a) Return the student back to class if the concern is not significant (a note or phone call from the Health Services will describe the outcome of the examination).
  - b) Notify the parent if the student will need some kind of care by the Health Services department or if a day student may need to be picked up.

- c) The student will be admitted to the Health Services for care if they are a residential student and/or the parent is unable to pick up the child within a short time.
- d) The Health Services staff will notify the teacher of the outcome of the referral.

### **Students in the Cottages:**

- 1) The cottage life attendant has a concern regarding the students' physical well being or the student is complaining of an illness.
- 2) The cottage life attendant will contact the Health Services to see if a student can be seen.
- 3) The student shall go to the Health Services (the cottage life attendant should fill out an Accident/Injury report if applicable) and upon arrival, the following may take place after examination of the student:
  - a) Return the student back to the cottage if the concern is not significant (a note or phone call from the Health Services will describe the outcome of the examination).
  - b) Notify the parent if the student will need some kind of care by the Health Services department or if a day student may need to be picked up.
  - c) The student will be admitted to the Health Services for care if they are a residential student and/or the parent is unable to pick up the child within a short time.
  - d) The Health Services staff will notify the cottage life attendant of the outcome of the referral.

*\*If a staff person has been asked by the students' parents to call when the student is ill, the teacher may comply with their request. However, this communication will be in addition to the communication provided to the parents by the Health Services staff. The communication by the Health Services staff to the parents will be documented in the student's medical file.*

Cross Reference:      Student 3415   Emergency Illness/Accident

### Policy History:

Adopted on:   11-14-03

Revised on:



**MSDB  
STUDENTS**Communicable Diseases 3417

The Montana School for the Deaf and Blind is required to provide educational services to all deaf or blind children who are appropriately placed through the IEP process. Attendance at School may be denied to any child diagnosed as having a communicable disease which could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the School have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

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

Management of common communicable diseases will be in accordance with Montana Department of Health guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease which is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at School shall be referred to Health Services, upon evaluation by the school's Health Services staff, may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

MSDB reserves the right to require a statement from the student's primary care provider authorizing the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the Director of MSDB's Health Services to determine appropriate measures to protect student and staff health and safety. The Health Services Director, after consultation with and on the advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition, if it is determined there is a need for such individuals to know this information. Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

### Exposure Control Plan for Bloodborne Pathogens

There are many diseases carried by blood. The two most common are the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). Bloodborne pathogens can cause infection by entering your body in a variety of ways, including:

- a) open cuts
- b) nicks
- c) skin abrasion
- d) dermatitis
- e) acne
- f) the mucous membranes of your mouth, eyes or nose

Bloodborne diseases can also be transmitted indirectly. This can happen when you touch an object or surface contaminated with blood or other infectious materials and transfer the infection to your:

- a) mouth
- b) eyes
- c) nose
- d) open skin

Contaminated surfaces are a major cause of the spread of hepatitis. HBV can live on environmental surfaces dried and at room temperatures for at least one week. All staff who are considered during the performance of their regular duties, to be at risk for excessive exposure to body fluids shall:

- a) received the proper series of HBV inoculations
- b) wear rubber, latex or vinyl gloves
- c) attend an in-service presented by the Director of Health Services
- d) exercise all precautions necessary and appropriate to the work environment and assigned duties
- e) be meticulous in handwashing

Groups who shall have HBV immunizations are:

- a) nurses
- b) education and student support staff who serve multi-handicapped students

Those who should consider receiving the immunizations are:

- a) preschool staff
- b) housekeeping staff
- c) maintenance staff
- d) other staff working closely with students determined to be at risk of infection

The cost of the immunizations will be paid by MSDB. Any employee who does not wish to be immunized, must sign the following waiver:

I \_\_\_\_\_ recognize and have been advised completely as to the risk of hepatitis B virus (HBV) and have been advised to receive the proper series of immunizations. Please be advised that I will not volunteer to take the recommended course of immunization.

Signed \_\_\_\_\_

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

Legal Reference:      16.28.101, et seq, ARM      Communicable Disease Control

Policy History:

Adopted on:    10-28-94

Revised on:

## **MSDB STUDENTS**

### Crisis Response Plan 3420

The intent of this document is to provide a proactive, orderly procedure to be in place to assist the school and cottage personnel in their response to crisis, whatever the nature of that crisis may be.

Our goal is to appropriately manage a crisis situation while maintaining the operation and deliverance of a normal educational program.

The Montana School for the Deaf and the Blind Intervention Team may consist of:

Superintendent	Principal
Dean of Students	Supervising Counselors
School Psychologist	Director of Health Services
School Counselor	Behavior Specialist

Included will be any other people deemed appropriate.

All persons who work with students at MSDB must recognize the boundaries of their competencies and their personal and professional limitations. All must recognize the possible harm to the student, the staff person, and the School that could result from attempting to deal with a situation that you are not trained to handle.

In addition, we should be aware that the Schools' responsibilities in responding to students with serious problems involve but are not limited to:

1. gathering necessary information;
2. involving appropriate personnel;
3. seeking supportive resources;
4. formulating a plan of action;
5. following the plan to its conclusion.

If any staff has reason to believe a student may present an imminent threat to self or to others, that person should first ensure that the student remains under constant supervision of an adult and, in the event of extreme anger, tantrum or acting out has an opportunity to "cool off." The principal or dean of students must then be immediately notified.

Upon satisfactory disposition of the behavioral problem, the Intervention Team will confer to review the IEP, Evaluation Report, and other relevant documents and pertinent information and draw up an intervention plan to use with the student. If not possible to hold a formal meeting, the conference can take the form of a phone information/polling session. If upon evaluation by a intervention team member, a student is considered to present an imminent threat to self or others, the parents will be notified immediately and the attached procedures will be implemented.

If it is found to be in the student's best interests, advisable or (necessary) to exclude a student from School the Principal or Dean of Students will make such recommendation to the Superintendent who will then:

1. Implement 10.16.3340 of the Administrative Rules of Montana
2. Proceed with the applicable MSDB Policy 3310P.
3. Notify the Board of Public Education at the next regularly scheduled meeting.

### Procedures for Dealing with Students at Risk for Suicide

When a staff member becomes aware of a student's suicidal threats, intervention must be implemented. The following behaviors or statements indicate a suicide threat:

1. Making a will.
2. Giving away favorite belongings.
3. Hopelessness.
4. An obsession with death.
5. Risk-taking behavior.
6. Talking or writing about death in statements such as:
  - a. "It's not worth it."
  - b. "You'll all be better off without me."
  - c. "This has to end."
7. Sudden lift in mood; euphoria or whirlwind of activity after a period of depression may indicate the decision to end life has been made.

Any staff member who has knowledge of a suicide threat, or suspects suicidal intentions must immediately implement the following procedures:

1. Notify an Intervention Team member.
2. After notifying a team member, protect the privacy of the student and family by maintaining strict confidentiality.
3. If the student seems to be in immediate danger, escort the student to the intervention team member or an identified "safe spot" i.e. Health Services. **DO NOT LEAVE THE STUDENT ALONE!**
4. Fill out the enclosed reporting form, and submit it to your immediate supervisor.

If a student threatens suicide after school hours either in the MSDB residential cottage or by phoning a staff member at home, the staff member should contact the following people until one is reached:

1. Dean of Students (if student is in the residential program.)
2. The Superintendent or Principal.
3. A Intervention Team Member to discuss the threat and needed action.
4. Student's parent.
5. Make a referral to the crisis management team the next school day by filling out the attached reporting form and submitting it to your supervisor.

Any staff who has knowledge of a suicide attempt shall immediately implement the following

procedure:

1. Take appropriate first aid action, and call for emergency medical assistance.
2. Notify the School Superintendent, Principal or Dean of Students.
3. Arrange for immediate supervision of the student; search the student's room for pills, guns, knives etc.
4. The Superintendent, Principal or Dean of Students, in the presence of another crisis management team member shall contact the parents or guardians of the child.
5. Fill out the attached reporting form and submit it to your supervisor.

When dealing with the high risk student, the Intervention Team Members will follow these guidelines:

1. Do not agree to keep the students' suicide intentions or threats confidential.
2. Arrange for reasonable supervision of the student.
3. The Superintendent, Principal or Dean of Students along with another team member will contact the parents and describe the situation.
4. If parents cannot be reached, a community mental health professional or the police will be contacted to assist in working with the student.
5. Follow-up. Keep informed about the student's progress; assist the family in arranging follow-up therapy; determine the school's role in assisting the student upon release.

The following procedures should be implemented for the student who has attempted suicide and returns to school;

1. Parents should demonstrate that the student has received and continues to receive appropriate therapy and also provide written documentation from the student's therapist regarding his/her progress and the school's role in assisting the student upon return to school.
2. The school will remain informed of the student's progress, and the school's role in assisting the student upon return.
3. A member of the Intervention Team will serve as an in-school contact person for the student.
4. Appropriate staff shall be notified, bearing in mind confidentiality and the privacy of the student and family.

Following are "red flags" that may indicate a potential need for suicide prevention:

1. Difficulty communicating with others.
2. Parental alcohol/drug abuse; family history of suicide, family conflict.
3. Loss of important person or thing.
4. Termination of dating relationship.
5. Undue parental pressure to achieve.
6. Lack of peer acceptance.
7. Indication of hopelessness, apathy, lethargy.
8. Over-achievement and self-criticism.

9. Declining interest in school work.
10. Abrupt changes in behavior, appetite, interest personal appearance.
11. Loss of self-esteem.
12. Evidence of risk-taking behavior.
13. Inability to concentrate.
14. Morbid views.
15. Significant weight change.
16. Previous suicide attempts.

### Procedures Following a Student/Staff/ Family Member Suicide or Accidental Death

#### First Day:

Person found dead of an apparent suicide.

1. The Intervention Team will meet to review the facts, compile necessary forms, and plan specific activities for day two.
2. Arrange for psychological counseling for students and staff as necessary. Develop a script for staff so facts remain the same.

#### Second Day:

1. Staff meetings will be held. The Principal/Dean will review the known facts and announce the special schedule for the next few days.
2. Staff to be reminded that any communication with the media is the responsibility of the Superintendent or his designee.
3. Staff will be notified of faculty meetings after school to review the events of the day.
4. A crisis center or centers will be established on campus. The center will be staffed by Intervention Team members for the purpose of talking with students on a drop-in basis.
5. Students will be allowed to use the crisis center as needed.
6. Teachers will allow for expressions of grief, while striving to return to the normal routine as soon as possible.
7. Teachers will be encouraged to review the facts and dispel any rumors in their classes.
8. Intervention Team members will call parents of students who are especially traumatized.
9. Staff members are assembled after school (including cottage staff) to allow for expression of feeling. Also, at this time a list will be compiled of students who are particularly traumatized.

#### Third Day:

1. Community mental health consultants will be sought as needed. School Psychologist and Counselors will continue to meet with students.

#### Fourth and Succeeding Days:

1. Psychologist will continue crisis intervention, talking with parents, and meeting with

concerned staff.

2. Staff members who have been deeply involved with the crisis will meet with the consultant for further verbalization of feelings.

Cross reference:        3310P                      Discipline of Students with Disabilities

Cite:                      34 CFR 300.320 through 300.328  
                                ARM 10.16.3340

Policy History:

Adopted on: 03-05-97

Revised on: 07-12-12



**MSDB  
STUDENTS**Release/Removal of Students from the School or Cottages 3440

The Board recognizes its responsibility for the proper care of students at all times and in all places at MSDB. Students shall not be removed from campus grounds, any School or residential building or School or residential function at any time except by a person duly authorized. Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, dean of students or their designee, evidence of his/her proper authority to remove the student. A teacher, cottage life attendant or other supervising adult should not excuse a student from a classroom or cottage to confer with anyone unless the request is approved by the principal, dean of students or their designee.

Policy History:

Adopted on: 03-15-02

Revised on:

## **MSDB STUDENTS**

### Procedure for Release/Removal of Students to Parents, Law Enforcement 3440 P or Department of Family Service

The School must exercise a high order of responsibility for the care of all students while attending classes, activities or living in the cottages. The removal of a student from campus, at anytime, may be authorized in accordance with the following procedures:

1. A student shall be released to the custodial parent. No child is to be released by staff, from the classroom or cottage, without first having been signed out either by the education secretary or cottage office. Notice of sign-out must be communicated to the staff either by a phone or e-mail message or by written note. If a staff person is unsure of the identity of an individual who has been authorized to remove a student from the School or cottage, the staff person must verify the individual's identity by requesting to see a photo ID.
2. A supervisor or administrator shall always check with the custodial parent before releasing the student to a non-custodial parent. When in doubt as to custodial rights, School enrollment records must be relied upon, as the parents/guardian have the burden of furnishing Schools with accurate, up-to-date information. Staff will be notified by the administration if the guardianship/custodial status of a student changes during the year. Staff must immediately notify their program supervisor if a non-custodial parent, or unauthorized individual attempts to remove a student from campus. If a staff member is unsure of the custodial status of a student he/she must contact their program supervisor for this information before releasing a student.
3. If there is a routine, i.e., an on-going appointment or if parents routinely pick up children from School or the cottage, this information should be provided in writing or via e-mail to the teacher or cottage life attendant or supervising adult through the education secretary, supervising counselor, school psychologist or health services staff. This information should include the time, date, and to whom the child will be released and beginning and ending dates for the routine release. The parent, guardian, or authorized person does not need to follow sign out procedures when there is a documented routine release.
4. Unless an emergency situation justifies a waiver by an administrator, if a child is to be released, at anytime, to another individual, the parent or guardian must provide prior notification in writing, e-mail or via FAX to the principal or dean of student providing the name, contact information and relationship of the individual to the student or family.
5. Police shall be called by a program administrator or supervisor if a visitor becomes disruptive or abusive.

6. Law enforcement officers, upon proper identification, may remove a student from School as provided in policy Community Relations 4411 Investigations and Arrest by Policy.
7. Any other agencies must have written administrative or court order directing MSDB to give custody to them. However, employees of the Department of Family Services may take custody of a student under provisions of 41-3-301 MCA, without a court order. Proper identification is required before the student shall be questioned or released.

Cross Reference:      Community Relations 4411 Investigations and Arrests by Police  
                                 41-3-301 MCA              Emergency Protective Services

Policy History:

Adopted on: 03-15-02

Revised on:

## **MSDB STUDENTS**

### Student Records 3600

Student records, including records from the education, residential and health services programs are confidential, and information from them shall not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records. The information contained in all student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student's special education services shall be directly related to the provision of services to that child. MSDB may release directory information as permitted by law, but parents shall have the right to object to the release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the School not to release this information.

MSDB maintains two (2) sets of school records for each student — a permanent record and a cumulative record. The permanent record will be maintained in perpetuity for every student who has been enrolled at MSDB. The School will maintain cumulative records for eight (8) years after the student graduates or permanently leaves the School after which time they will be destroyed. Cumulative records which may be of continued assistance to a student who graduates or permanently withdraws from the School, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

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

### Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB") Student Privacy

1. As required by NCLB § 1061 (c)(2)(A): The student privacy policies developed by the School shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by MSDB. At a minimum, MSDB shall:
  - a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
  - b. Offer an opportunity for the parent to opt the student out of the activity.
2. As required by NCLB § 12061(c)(2): MSDB shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., *"The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available upon request."*

*NOTE: The only notices applying to districts/schools that do **not** receive Title I funds are those regarding student privacy.*

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

Policy History:

Adopted on: 01-10-03

Revised on: 07-16-04

## **MSDB STUDENT**

### Procedure for Maintenance of Student Records 3600P

MSDB maintains two (2) sets of school records for each student — a permanent record and a cumulative record.

The permanent record shall include:

- basic identifying information
- most recent IEP and CST
- academic transcripts
- immunization records
- most recent physical evaluations related to a student's disability; i.e. audiological, eye condition, functional vision assessment, speech/language, physical and/or occupational evaluation
- dates of attendance
- educationally related disciplinary action taken against the student that results in the expulsion or out of school suspension of the student
- academic work completed
- grades
- results of standardized achievement tests

The cumulative record may include:

- intelligence and aptitude scores
- psychological reports
- archived physical evaluations related to a student's disability; i.e. audiological, eye condition, functional vision assessment, speech/language, physical and/or occupational evaluation
- health records and treatment notes
- achievement test results
- report cards
- quarterly cottage reports
- cottage intake packet
- participation in extracurricular activities
- honors and awards
- teacher progress reports
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information not resulting in expulsion or out of school suspension

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

The principal shall be responsible for the maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with MSDB's procedure established by the Superintendent.

### Access to Student Records

MSDB shall grant access to student records as follows:

1. MSDB or any school employee shall not release, disclose, or grant access to information found in any student record, except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the school's receipt of such a request.

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

- a. IEP/CST reports;
- b. Academic progress reports or records;
- c. Cottage reports if the student is a residential student;
- d. Health reports;
- e. Notices of parent-teacher conferences;
- f. School calendars distributed to parents/guardians; and
- g. Notices about open houses and other major school events, including pupil-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student.

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

3. MSDB may grant access to or release information from student records to employees or officials of the School or the Montana State Board of Education, provided a current, demonstrable educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
4. MSDB may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. MSDB shall grant access to or release information from a student's records pursuant to a court order, provided that the parent(s) shall be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. A local educational agency or accredited school may release student information under provisions of 20 U.S.C. 1232g(B) of the Family Educational Rights and Privacy Act of 1974, as amended. MSDB shall not grant access to or release information from a student's records pursuant to a subpoena issued in civil proceedings unless the parent has executed a written release or the parent has been given written notice and an opportunity to inspect and copy such records and to challenge the subpoena in court.
6. MSDB shall grant access to or release information from any student record, as specifically required by federal or state statute under provisions of 20 U.S.C. 1232g(B)(1)(E) of the Family Educational Rights and Privacy Act of 1974, as amended.
7. MSDB shall grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent(s) or eligible student by the Superintendent. Whenever the School requests the consent to release certain records, the records custodian shall inform the parent(s) or eligible student of the right to limit such consent to specific portions of information in the records.
8. MSDB may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. 20-1-213 MCA
9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, MSDB shall provide prompt written notice to the parents or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.



10. MSDB may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The superintendent, principal, dean of students shall make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The School shall notify the parent(s) or eligible student, as soon as possible, of the information released, the date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
11. MSDB may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student. A local educational agency or accredited school may release student information under provisions of 20 U.S.C. 1232g(B)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974, as amended.
12. MSDB will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s). A local educational agency or accredited school may release student information under provisions of 20 U.S.C. 1232g(B)(1)(C)(ii)(III) of the Family Educational Rights and Privacy Act of 1974, as amended.
13. MSDB charges a nominal fee for copying information in the student's records. No parent or student shall be precluded from obtaining a copy of information in the records because of financial hardship.
14. A record of all releases of information from student records (including all instances of access granted and whether or not the records were copied) shall be kept and maintained as part of such records. This record shall be maintained for the life of the student record and shall be accessible only to the parent(s) or eligible student, superintendent, principal, dean of students, records custodian, or other person, as needed. The record of release shall include:
  - a. Information released or made accessible.
  - b. The name and signature of the records custodian.
  - c. The name and position of the person obtaining the release or access.
  - d. The date of the release or grant of access.
  - e. A copy of any consent to such release.

#### Transfer of Student Records

A certified copy of the permanent and/or cumulative file of any student and the file containing special education records of any student shall be forwarded by mail or electronically to a local

educational agency or accredited school in which the student seeks to or intends to enroll, within five (5) working days after receipt of a written or electronic request. The files that are forwarded must include education records in the permanent file [i.e., name and address of the student, name of parent(s)/legal guardian(s), date of birth, academic work completed, level of achievement (grades, standardized tests) and immunization records\*], special education records, and any disciplinary actions taken against the student that are educationally related.

If the records cannot be transferred within five (5) days, MSDB shall notify the requestor, in writing or electronically, providing the reasons why MSDB is unable to comply with the five-(5)-day time frame. MSDB shall also include in that notice the date by which the requested records will be transferred. A request for the transfer of records shall not be refused because the student owes fines or fees.

*NOTE: \* The original immunization record must be forwarded to the requesting district within thirty (30) days after a transferring pupil ceases attending the District.*

### Directory Information

The Montana School for the Deaf and the Blind may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- period of attendance in school

Annual notification to parents and students concerning school records will inform them of their right to object to the release of directory information. Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building principal within thirty (30) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.

### Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the Montana School for the Deaf and the Blind is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

### Student Record Challenges

The parents may challenge the accuracy, relevancy, or propriety of the records, except (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- the right to present evidence and to call witnesses;
- the right to cross-examine witnesses;
- the right to counsel at the party's own expense;
- the right to a written statement of any decision and the reasons therefore;
- the right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

Cross Reference: STUDENT 3600 Student Records

STUDENT 3413 Student Immunization

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

§ 20-5-201, MCA Duties and sanctions

§ 20-5-406, MCA Immunization record

§ 20-1-213, MCA Transfer of School records

§ 40-4-225, MCA Access to records by parent

§ 41-5-215, MCA Youth court and department records – notification of school

10.55.909, ARM Student records

P.L. 107-110;

Section 4155 No Child Left Behind Act

### Procedure History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENT**

### Notification to Parents and Students of Rights Concerning a Student's School Records 3600F

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

MSDB will maintain two (2) sets of school records for each student: a permanent record and a cumulative record. The permanent record shall include:

- basic identifying information
- most recent IEP and CST
- academic transcripts
- immunization records
- most recent physical evaluations related to a student's disability; i.e. audiological, eye condition, functional vision assessment, speech/language, physical and/or occupational evaluation
- dates of attendance
- educationally related disciplinary action taken against the student that results in the expulsion or out of school suspension of the student
- academic work completed
- transcript of courses taken and grades earned
- results of standardized achievement tests

The cumulative record may include:

- intelligence and aptitude scores
- psychological reports
- archived physical evaluations related to a student's disability; i.e. audiological, eye condition, functional vision assessment, speech/language, physical and/or occupational evaluation
- health records and treatment notes
- report cards
- quarterly cottage reports
- cottage intake packet
- participation in extracurricular activities
- honors and awards
- teacher progress reports
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information not resulting in expulsion or out of school suspension

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

1. **The right to inspect and copy the student’s education records, within a reasonable time from the day MSDB receives a request for access.**

The parent(s) or guardian(s) of students less than eighteen (18) years of age have the right to inspect and copy the permanent record of the student. Parents/guardians or students should submit to the school principal or appropriate school official a written request that identifies the record(s) they wish to inspect. The principal or school official will make arrangements for access and will notify the parent(s)/ guardian(s) or eligible student of the time and place where the records may be inspected.

The school charges a nominal fee for copying, but no one will be denied the right to a copy of their records because of an inability to pay this cost.

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

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

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

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

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

Disclosure is permitted without parental or student consent to school officials with legitimate educational or administrative interests. A school official is a person employed by MSDB as an administrator, supervisor, instructor, or support staff member including health services or cottage staff; a person serving on the Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

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

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

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

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

Parent(s)/guardian(s) of a student may request a copy of any school student record which The School proposes to destroy or delete.

Parent(s)/guardian(s) of a student may request a copy of any school student record which the School proposes to destroy or delete. MSDB maintains two (2) sets of school records for each student; a permanent record and a cumulative record. The permanent record will be maintained in perpetuity for every student who has been enrolled at MSDB. The School will maintain cumulative records for eight (8) years after the student graduates or permanently leaves the school after which time they will be destroyed. Cumulative records which may be of continued assistance to a student who graduates or permanently withdraws from the school, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

Destruction of records is the best protection against improper and unauthorized disclosure. However, the records may be needed for obtaining social security benefits other purposes. If the parent(s)/guardians(s) or student(s), upon age of majority, request that the information be destroyed, the School will retain the permanent record information.

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

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

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- period of attendance in school

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building principal within thirty (30) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.*

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

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

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

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

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

Family Policy Compliance Office

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

Legal Reference:	20 U.S.C. § 1232g; 34 CFR Part 99; P.L. 107-110; Section 4155 34 C.F.R. 300.573 20-1-212, MCA	The Family Educational Rights and Privacy Act No Child Left Behind Act Destruction of information Destruction of records by school officer
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Policy History  
Adopted on: 01-10-03  
Revised on:



**MSDB  
STUDENTS**Confidentiality of Personally Identifiable Information 3601

As an explanation of parental rights in special education, parents receive, in writing at least annually, Notice of Procedural Safeguards Under IDEA, published by the Office of Public Instruction.

The Montana School for the Deaf and the Blind follows the provisions under the Family Educational Rights and Privacy Act (FERPA) and implements the procedures in CFR 300.562-300.577, 10.16.3560 ARM and 20-1-213MCA.

Legal Reference:     34 CFR 300.562-577  
                          ARM 10.16.3560  
                          MCA 20-1-213

Policy History:

Adopted on: 07-12-01

Revised on:

## **MSDB STUDENTS**

### Surveys and the Collection of Personal Information 3602

#### Surveys – General

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

#### Surveys Created by a Third Party

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

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

#### Surveys Requesting Personal Information

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

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

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

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

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

The term “personal information,” for purposes of this section only, means individually identifiable information including: (1) a student’s or parent’s first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) telephone number, or (4) a social security identification number.

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

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

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

### Notification of Rights and Procedures

The Superintendent or designee shall notify students’ parents/guardians of:

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

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

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

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

Cross Reference:     3410 Student    Student Health  
                              3200 Student    Student Rights and Responsibilities  
                              3600 Student    Student Records  
                              3601 Student    Confidentiality of Personally Identifiable Information  
                              3114 Student    Procedural Safeguards

Legal Reference:     20 U.S.C. 1232h     Protection of Pupil Rights  
                              20 U.S.C. § 1232g    Family Education Rights and Privacy Act

Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB STUDENTS**

### Notice to Parents and Student Rights Concerning Surveys and Collection of Personal Information 3602F

At least annually the Superintendent or designee shall notify students' parents/guardians of MSDB Student Policy 3602, Surveys and the Collection of Personal Information. Approximate dates of scheduled surveys described in MSDB Student Policy 3602 will be provided at the time of the notice. Survey or other material described in this policy will be provided upon request of the parent(s) or guardian(s).

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

On or about the dates of: \_\_\_\_\_

The following survey(s) will be conducted by MSDB, or by a third party on behalf of MSDB for the purposes of informing the administration on issues related to curriculum and instruction, and/or planning for school improvement or for developing, evaluating or providing educational products or services for or to student or educational institutions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

By contacting the School principal either by phone at 771-6000 or by completing the following information and returning this form to: MSDB Principal, 3911 Central Avenue, Great Falls, Montana 59405, you may have your child excluded from the surveys listed above.

I do not wish to have my child participate in surveys to be conducted by MSDB and noticed above.

Student Name: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Policy History:

Adopted on: 11-14-03

Revised on

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## **MSDB STUDENTS**

### The Health Insurance and Portability and Accountability Act of 1996-Privacy Rule 3603

#### Background

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) required the federal government to adopt national standards for electronic healthcare transactions. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result, HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information. 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.

Any personally identifiable health information contained in a student's "Education Record" under the Family Educational Rights to Privacy Act (FERPA) is subject to FERPA, not HIPAA.

Under the HIPAA Privacy Rule:

1. Under HIPAA, MSDB may disclose a student's health care information for the purposes of: treatment including communication and consultation between healthcare providers; payment including use of information to create bills and collect payment from insurance companies and Medicaid; healthcare operations including internal activities to monitor and improve student care, license staff to care for students and to provide assessment and treatment services, prepare for state and federal regulatory reviews, and manage healthcare operations.
2. Parents or guardians of a minor student have a right to access and copy their health record to the extent allowed by HIPAA.
3. Parents or guardians of a minor student have the right to request an amendment to their child's health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.
4. Parents or guardians of a minor student have the right to an accounting of disclosures of their child's health record for reasons other than treatment, payment, or healthcare operations.

5. 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.
6. Safeguards are required to protect the privacy of health information.
7. Covered entities are required to issue a notice of privacy practices to their students.
8. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

### Compliance

The administrative secretary has been designated Privacy Officer for MSDB. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the School'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 School's privacy practices.

As a Covered Entity, only those employees responsible for activities identified under HIPAA's privacy protections, i.e., processing payment claims to business partners, recurring disclosures for treatment, and related healthcare operations will have access to PHI for all students.

As required for a Covered Entity under HIPAA, the School 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.

1. 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.
2. 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.
3. Parents or guardians of a minor student are entitled to receive a copy of the plan's policies and procedures upon request.

Designating a limited number of privacy contacts allows the School to control who is receiving PHI from the contract claims payor, i.e., health plans or Medicaid bureau, 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 School has distributed a notice of privacy practices to students of majority age and parents or guardians of a minor student. The notice informs students, parents or guardians of their rights and the School's privacy practices related to the use and disclosure of PHI. A copy of this notice follows as Student 3603P or may be obtained by contacting the Privacy Officer.

The School has reviewed how PHI is used and disclosed by students' insurance plans and has limited disclosure of that information to School employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The School 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 School's employees need access to PHI in order to properly perform the functions of their jobs. The School has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, this privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to disciplined, as deemed appropriate.

Under certain conditions, a parent, guardian or student has a right to amend a student's PHI that the School creates or maintains.

A parent, guardian or student must make a written request to amend PHI, which includes a reason to support the requested amendment. The School will act on the request within 60 days of receipt of the request. This time period may be extended 30 days.

In certain cases, the School may deny a member the right to amend PHI. For example, if the information was not created by the School, or it is not part of the records maintained by the School, or if the information is accurate and complete. If another entity maintains PHI to be amended, School employees are directed to refer the parent, guardian or student to the Business Associate or provider that maintains or originates the PHI.

In the event a health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the School has developed a system to record those disclosures and requests for disclosures. Any student, parent or guardian may request a list of disclosures of his or her child's 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.

The right to request an accounting does not apply to:

1. Uses and disclosures to carry out treatment, payment, or healthcare operations;
2. Permitted disclosures made to parents, guardians or students;



3. Incident to other permitted or required uses and disclosures:
4. Pursuant to an authorized use and disclosure; and
5. Other uses and disclosures as described in the HIPAA regulations §164.528 (1) and (2), for example, those occurring prior to April 14,2003.

The School will maintain logs of uses and disclosures of PHI information required to be in an accounting, as well as, copies of responses to members' written accounting requests. These documents must be kept for a period of six years.

In order to comply with the new privacy regulations, healthcare plans must also implement compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the School to disclose PHI to or discuss it with a third party. The HIPAA Privacy Rule prohibits the School from disclosing medical information without written permission from the minor student's parent or guardian, other than for treatment, payment, or healthcare purposes.

An authorization signed by the parents or guardians of a minor student designating specified individuals to whom the School may disclose specified medical information must be on file, before the agency can discuss a student's medical information with a third party (such as a health plan representative, or other individual).

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

The School has implemented policies and procedures to designate who has and who does not have authorized access to PHI.

- The School may use or disclose PHI only as permitted or required by state of Montana law and HIPAA regulations.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- The School will maintain the documentation necessary to comply with HIPAA regulations for a minimum of six years. Examples of this documentation include adopted privacy policies and procedures and records related to authorizations, employee classification and access to PHI, requests to amend access PHI and titles of the employees responsible for processing this information, notices of privacy practices, requests for accounting of disclosures of PHI, complaints received, training materials and classes, corrective actions taken, and records of hardware and software security testing, etc.
- Copies of PHI will be destroyed in a manner that protects PHI, when information is no longer needed, unless it is required by law to be retained for a specified period of time.

- The School 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 School will appropriately discipline employees who violate any portion of this Privacy Policy or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances. Discipline will be administered in accordance with the Discipline Handling Policy (MOM policy 3-0130) and Collective Bargaining Agreements between the Montana School for the Deaf and Blind and the United Food and Commercial Workers Local Union Number 8, and the MEA-MFT Local Number 4027. A disciplinary action is private information and will be maintained in accordance with the Employee Records Keeping Policy, (MOM policy 3-0110). HIPAA regulations require retention of disciplinary sanction information for six years.
- The School reserves the right to update this policy as necessary to comply with changes in the law or the HIPAA regulations. Members will be notified of policy changes.

The School has received signed assurances from the plan's business associates, meaning any employee, contractor, subcontractor, agent or vendor of the School, 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 a health plan require access on occasion to PHI, if they are business associates of the health plan provider and in that role need to use, exchange, or disclose PHI from the 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 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.

### Complaints

If a student, or his or her parents or guardians believe the student's privacy rights have been violated, they may file a written complaint with the Privacy Officer. The School may not intimidate, threaten, coerce, or discriminate against any individual for exercising their rights under this policy, including filing a complaint under this policy. The contact information for the Privacy Officer is:

Privacy Officer  
Montana School for the Deaf and Blind  
3911 Central Avenue  
Great Falls, Montana 59405

Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99  
The Health Insurance Portability and Accountability Act of 1996

Discipline Handling Policy (MOM policy 3-0130)  
Employee Records Keeping Policy, (MOM policy 3-0110)

Policy History:

Adopted on: 11-16-03

Revised on:

**MSDB  
STUDENTS****Notice of HIPAA Privacy Practices to Parents/Guardians of MSDB Students 3603P**

*THIS NOTICE DESCRIBES HOW INFORMATION ABOUT HEALTHCARE EDUCATIONALLY RELATED MEDICAL SERVICES FOR YOUR CHILD MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.*

MSDB is required by law to keep protected health information private. MSDB is required to abide by the terms of the Notice of Privacy Practices that is currently in effect. MSDB reserves the right to change the terms of this Notice. MSDB will post the revised notice and will make available upon request. This Notice is effective as of April 14, 2003, and applies to all of the healthcare professionals, including nurses, speech/language therapists, physical or occupational therapists or audiologists providing services at MSDB.

**USES AND DISCLOSURES OF HEALTH INFORMATION**

MSDB may use and disclose your child's health information for the following purposes:

**TREATMENT**

MSDB will use and disclose protected health information to provide, coordinate or manage student and educationally related services. This includes communication and consultation between healthcare providers—doctors, nurses, technicians and other members of your child's medical team. For example, your child's speech or OT/PT specialists or health services staff may disclose information to your child's doctors, therapists, or other healthcare providers.

**PAYMENT**

MSDB uses protected health information to create bills and collect from insurance companies and Medicaid. This includes providing information such as dates of service, symptoms and diagnosis to your insurance company to show MSDB provided medical services to your child. Montana law allows us to disclose information for payment purposes only if we believe the person receiving it will not use or disclose it for another purpose and will take appropriate steps to protect it.

**HEALTHCARE OPERATIONS**

MSDB uses protected health information for its healthcare operations purposes, including internal activities to monitor and improve student care, license staff to care for students and to provide assessment and treatment services, prepare for state and federal regulatory reviews, and manage healthcare operations. Montana law allows us to disclose information for these purposes only if we believe the person receiving it will not use or disclose it for another purpose and will take appropriate steps to protect it.

## **CONTACTS WITH PATIENTS**

At times, MSDB may contact you to provide information about your child's services related to: medical appointments, assessments and treatment plans, health-related benefits or services that may be of interest to you. MSDB mails messages and leaves limited amounts of information on answering machines or with family members. Parents should notify MSDB if they do not want PHI used in that manner.

## **FACILITY DIRECTORY**

We will not use your child's name, address or general condition for directory purposes.

## **INDIVIDUALS INVOLVED IN CARE, NOTIFICATION**

MSDB may disclose relevant protected health information to a parent or guardian, IEP team member, or a referring or receiving school district involved with your child's care or educationally related medical services. If family or friends are present while services are being provided, MSDB will assume your companions may hear the discussion, unless you state otherwise.

## **MEDICAL RESEARCH**

MSDB may use or disclose protected health information about your child in medical research only with your prior written authorization.

## **TO AVERT A SERIOUS THREAT OF HARM**

MSDB uses and discloses protected health information to alert appropriate persons of a serious threat to the health or safety of a child, another person or the public, including in the limited situations in which a mental health or education professional may have a duty to warn.

## **PUBLIC HEALTH PURPOSES**

MSDB may disclose protected health information for public purposes when required to do so by law. Release to appropriate agencies and authorities may occur for the following reasons:

- To prevent or control disease or injury
- To report births and deaths
- To report maltreatment of a child
- To report to the federal government adverse reactions to medication or safety problems with products
- To notify people of product recalls
- To notify a person exposed to certain types of disease or those at risk for contracting or spreading a disease

## **HEALTH OVERSIGHT ACTIVITIES**

MSDB may disclose protected health information to healthcare oversight agencies, where authorized by law. Oversight activities can include licensure, audits and investigations.

Montana law generally requires that the person receiving the information agrees in writing to remove identifiers as soon as possible and to not further disclose the information except to complete the oversight activity or to report unlawful conduct such as fraud and abuse.

## **LAWSUITS AND OTHER JUDICIAL PROCEEDINGS**

MSDB must disclose protected health information in response to court or administrative order. MSDB must disclose protected health information in response to certain types of subpoenas, discovery requests or other lawful processes, provided that the request for information complies with Montana's requirements regarding compulsory process.

## **LAW ENFORCEMENT ACTIVITIES**

MSDB may disclose protected health information to law enforcement officials in response to a court order, investigation subpoena, search warrant or a court-issued summons.

Non-medical information may be disclosed:

- To identify a suspect, fugitive or missing person
- About the victim of a crime under certain limited circumstances;
- About a death believed to be a result of criminal conduct;
- About a crime committed on MSDB premises

## **CORONERS AND MEDICAL EXAMINERS**

MSDB may release protected health information to a coroner or medical examiner when necessary to determine the cause of death.

## **NATIONAL SECURITY ACTIVITIES**

MSDB may release protected health information to authorized federal officials for intelligence, counterintelligence or other national security activities only as required by law. MSDB may disclose protected health information to authorized federal officials so they may provide protection to the President or other authorized individuals if required to do so by law.

*Other uses and disclosures of your health information will be made only with your written authorization, which may be revoked at any time.*

## **STUDENTS' RIGHTS WITH RESPECT TO PROTECTED HEALTH INFORMATION**

### **RIGHT TO INSPECT AND COPY**

You have the right to inspect and to request a copy of information maintained in MSDB's record about your child. This includes medical and billing records maintained and used by MSDB to make decisions about your child's care. To obtain or inspect a copy of your medical information, submit a written request to the Privacy Officer of MSDB, 3911 Central Avenue, Great Falls, Montana 59405. MSDB may charge a reasonable, cost-based fee to cover the expense of providing the copy(ies).

Parents or guardians have full access to inspect and receive a copy of the full educational and medical record. On some occasions, MSDB may deny a request to inspect and receive a copy of some information in the medical record. This may occur if, in the professional judgment of your child's physician, the information could cause a threat to you or others, or if the information is protected from disclosure as permitted under state law.

If you are denied access to information, you may request a review of denial. Another licensed healthcare professional who was not involved in the original decision with MSDB will independently review both the original request and denial. MSDB will comply with the outcome of the independent review. If you are denied access because the information could cause someone else harm, MSDB must allow examination of your child's records by another healthcare provider chosen by you.

### **RIGHT TO REQUEST AMENDMENT**

You have the right to request that protected health information or information in MSDB's record be amended. Submit a written request to amend to the Privacy Officer at MSDB, 3911 Central Avenue, Great Falls, Montana 59405. The request must include a reason to support the amendment. MSDB may deny a request for amendment based upon any of the following circumstances:

- The request is not in writing or does not include a supporting reason
- The information you want to change was not created by MSDB, and the originator of the information is available
- The information is not part of the designed medical record
- The information in the record is accurate and complete

### **DENIAL OF A REQUESTED AMENDMENT**

If MSDB denies your request for an amendment, MSDB will follow a process that allows you to submit your written disagreement to the Privacy Officer at MSDB, or you can ask that your request for amendment and explanation of the denial be included in any future disclosure of the pertinent protected health information. If you submit a statement of disagreement, MSDB may write a rebuttal to your statement of disagreement.

### **RIGHT TO AN ACCOUNTING OF CERTAIN DISCLOSURES**

You can ask MSDB for a list of where MSDB has shared your protected health information. This list would provide you with a summary of all disclosures MSDB has made that you would not otherwise already know about. The list would not include the following:

- Disclosure to carry out treatment, payment and healthcare operations within MSDB
- Disclosures made directly to you (the parent or guardian)
- Disclosure to another Special School or School District

To get a copy of the list, submit a written request the Privacy Officer at MSDB. Your request must state a time period (no longer than six years) and indicate in what form you want to receive the list. The first accounting within a 12-month period is free. For additional accounting, MSDB may charge for the costs of providing the list.

### **RIGHT TO REQUEST RESTRICTIONS**

You can ask MSDB to restrict the use or disclosure of protected health information about your child. Your request must be in writing and submitted to the Privacy Officer at MSDB. MSDB will carefully consider the request. If you request, we will not disclose information to a healthcare provider who has previously provided care to your child, for directory purposes, or to the IEP team members who could otherwise receive information.

**RIGHT TO REQUEST ALTERNATIVE METHODS OF COMMUNICATION**

You have the right to request that MSDB communicate with you in various ways (such as a letter or e-mail) or at a certain location. For example, you may ask that contact occur only at home or only at your place of business. In this situation, you may submit a written request to the Privacy Officer at MSDB specifying the method or location of being requested. We will comply with reasonable requests, but may ask you provide information about how insurance payments will be handled.

**COMPLAINTS AND ADDITIONAL INFORMATION**

If you want to file a complaint about MSDB's use of disclosure of protected health information, you can provide the written complaint or concern to the Privacy Officer at MSDB, 3911 Central Avenue, Great Falls, Montana 59405, (406) 771-6000 or the Department of Health and Human Services.

MSDB honors your right to file a concern or complaint. MSDB will not take action against you for filing a concern or complaint.

For more information about any of MSDB's privacy practices, contact the Privacy Officer at MSDB. Effective Date: April 14, 2003

**Policy History:**

Adopted on: 11-14-03

Revised on:



## MSDB STUDENTS

### Transfer of Student Records 3606

A certified copy of the permanent and/or cumulative file containing special education records\* of any student shall be forwarded by mail or electronically to a local educational agency or accredited school in which the student seeks to or intends to enroll, within five (5) working days after receipt of a written or electronic request. The files that are forwarded must include education records in the permanent file i.e., name and address of the student, date of birth, name of parent/legal guardian, most recent CST and IEP, academic transcript, immunization records\*\*, dates of attendance, educationally related disciplinary actions taken against the student that results in expulsion or in/out of school suspension, grades, and results of standardized tests.

If the records cannot be transferred within five (5) days, the School shall notify the requestor, in writing or electronically, providing the reasons why the School is unable to comply with the five-(5)-day time frame. The School shall also include in that notice the date by which the requested records will be transferred. A request for the transfer of records shall not be refused because the student owes fines or fees.

**NOTES:**        *\*Based upon the position and advice of the Office of Public Instruction, Districts are to send the original special education file and not maintain a copy, in order to preserve confidentiality of the records.*

*\*\* The original immunization record must be forwarded to the requesting district within thirty (30) days after a transferring pupil ceases attending the School.*

Cross Reference:	3413	Student Immunization
	3600	Student Records
	3600P	Procedure for Maintenance of Student Records
	3606F	Records Certification

Legal Reference:    § 20-1-213, MCA    Transfer of School Records

#### Policy History:

Adopted on: 07-16-04

Revised on:

**MSDB  
STUDENTS**

**RECORDS CERTIFICATION 3606F**

I, (name of custodian of records), the duly appointed custodian of records for the Montana School for the Deaf and Blind, Cascade County, State of Montana, pursuant to § 20-1-213, MCA, do hereby certify that the attached is a true and correct copy of the student records of (name of student), maintained in my possession and under my control.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Custodian of Records  
Montana School for the Deaf and Blind  
LE9258  
3911 Central Avenue  
Great Falls, Montana 59405

( S E A L )

Policy History:

Adopted on: 07-16-04

Revised on:

**MSDB  
STUDENTS**Student Photographs 3607

It is the policy of the Montana School for the Deaf and the Blind that students are not to be photographed nor photographs released for publicity or public relations purposes without parental permission.

Prior to the release of a student's photograph or a group photograph where a student is recognizable, the responsible school official is to verify release of photograph authorization as part of the student's registration package in the student's file.

Should a signed authorization not be available, the student's parent is to be contacted for written permission. Should permission be withheld, the photograph is not to be published or released. Should permission be granted, it is to be in writing and filed in the student's file.

It is the policy of the Montana School for the Deaf and the Blind that photographs of students are to show the student in a positive and complimentary manner/situation.

Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. 123g: 34CFR 99

Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB STUDENTS**

### Receipt of Confidential Records 3608

The School is eligible to receive the case records of the Department of Public Health and Human Services and its local affiliate, the county welfare department, the county attorney, and the court, concerning actions taken and all records concerning reports of child abuse and neglect. These records shall not be included in the student's permanent file and shall be kept confidential as required by law.

The following individuals are authorized by the Board to receive information with respect to a student of the School who is a client of the Department:

1. Superintendent
2. Principal
3. Dean of Students
4. School Psychologist

When the School receives information pursuant to law, it is the responsibility of the authorized individual to prevent the unauthorized dissemination of that information.

Cross Reference:	STUDENT 3600	Student Records
	STUDENT 3600P	Procedure for Maintenance of Student Records

Legal Reference:	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
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#### Policy History:

Adopted on: 07-16-04

Revised on:

## MSDB STUDENTS

### Network Acceptable Use - Electronic Information, Services and Networks

3612

#### Overview

The Montana School for the Deaf and the Blind (MSDB) recognizes that as telecommunications and other new technologies shift the ways information may be accessed, communicated and transferred, those changes may also alter instruction and student learning. MSDB supports students' abilities to access rich information resources as well as learn to analyze and evaluate such resources. In a free and democratic society, access to information is considered a fundamental right of citizenship.

Telecommunications, because they may lead to any publicly available file server in the world, will open classrooms to broader arrays of resources. Electronic information research skills are fundamental in preparation of citizens and future employees during an Age of Information. MSDB expects that staff will blend thoughtful use of such information throughout the curriculum and provide guidance and instruction to students in the appropriate use of such resources. MSDB requires that all such materials support and enrich the curriculum considering the varied instructional needs, learning styles, abilities and developmental levels of the students. Access to telecommunications will enable students to explore thousands of libraries, databases, and informational resources. MSDB believes the benefits of access to Internet resources and opportunities for collaboration exceed the disadvantages. Ultimately, parents and guardians of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. To that end, MSDB supports and respects each family's right to decide whether or not to allow Internet access for their child/ren.

General School rules for behavior and communications apply to use of the network and Internet access. Network storage is School property. Users should not expect files stored on servers and workstations will be private. Network administrators may review files and communications to maintain system integrity and to ensure that students and staff members are using the system responsibly. **PLEASE NOTE:** Without exception, all information stored on School computers is considered School property and may be subject to public disclosure laws.

Communication over networks should **NOT** be considered private. Messages may sometimes be diverted accidentally to a destination other than the one intended. Electronic mail should never be considered secure and staff/students should use extreme caution when communicating information that may be considered confidential. All communications on the network are under the jurisdiction of Family Educational Rights and Privacy Act (FERPA) 34 C.F.R. Part 99 Subpart A. This law states that no one can share confidential information about another person without permission. Parental permission is required for sharing information and pictures of minors (under 18). Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

MSDB uses filtering software designed to prohibit student access to content that is defined in Section 1460 of Title 18 U.S. Code as obscene or defined in Section 2256 of Title 18 U.S. Code as child pornography or “harmful to minors”. Our filter technology is designed to be running at all times. System administrators regularly schedule a check of the system to ensure functionality. MSDB endeavors to block all online mail, social media sites including chat rooms, and other forms of direct communication from outside our network to ensure the safety and security of minors. Staff will actively supervise all Internet access.

### Student Rights and Responsibilities

All students will be informed by staff of their rights and responsibilities as users of the network prior to gaining access to that network, either as an individual user or as a member of a class. Students are required to obtain parental permission and attend network usage/Internet training sessions in order to access the network/Internet. Permission is not transferable and may not be shared.

Students are responsible for good behavior on the computer network just as they are in a classroom or a School hallway. Communications on the network are often public in nature. E-mail is **not** private. MSDB’s network is provided for students to conduct research and communicate with others. Access to network services is given to students who agree to act in a considerate and responsible manner and who sign a Student Technology Contract. Parent permission is required. Access is a privilege, not a right. Therefore, the system administrators will deem what is inappropriate use and their decisions are final. The system administrators may close an account at any time. The administration, faculty, and staff of MSDB may deny, revoke, or suspend specific user accounts.

### Procedure for Changing or Securing New Passwords

If a student forgets or misplaces his/her password, he/she is to report to the Network Manager, Teacher, or Principal to have the password reset. The Network Manager will then reset that student’s password, and inform him/her of the change. At the next logon, the student may be required to change his/her password. Depending on the age and maturity of the student, the teacher may also assist in keeping track of the students’ passwords.

### Rules

Students must read and sign a “Student Technology Contract” on an annual basis before being allowed to use school owned technology equipment or to access the school computer network system or wireless connections on campus.

Additionally the following actions are **NOT** permitted:

1. Sharing confidential information including pictures, addresses, phone numbers, passwords and financial account numbers
2. Sending or displaying offensive messages or pictures
3. Using obscene language
4. Harassing, intimidating, cyber-bullying, menacing, insulting or attacking others
5. Using online email, social networks, instant messaging or chat rooms
6. Using others' passwords and/or accessing their profiles, folders, documents, or files without permission

7. Using the school's Internet through either a wired or wireless connection without a signed parental permission form and/or unsupervised use of the Internet
8. Engaging in practices that threaten or disrupt the network or workstation function (e.g., breaking computers, downloading files that may introduce a virus, intentionally wasting network resources, etc.)
9. Unauthorized access including "hacking" and other unlawful activities
10. Employing the network for commercial purposes
11. Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition
12. Promoting, supporting, or celebrating religion or religious institution

The use of personal equipment including wireless or mobile computers, tablets or cell phones that connect to the Internet is allowed with some restrictions and with prior administrative approval. All use of personal equipment must comply with the rules listed in this policy and the Student Technology Contract.

#### Sanctions

1. Violations may result in a loss of access.
2. Additional disciplinary action may be determined at the building level in line with existing practice regarding inappropriate language or behavior.
3. When applicable, law enforcement agencies will be involved.

#### Cross Reference:

3310	Student Discipline
3226	Hazing/Harassment/Intimidation/Bullying/Menacing
10.55.701 (1)(g), ARM	Board of Trustees
10.55.801(1)(d), ARM	School Climate

#### Policy History:

Adopted on: 10-18-95

Revised on: 11-09-01

07-12-12

11-17-16

## **MSDB STUDENTS**

### Parent Permission for Internet Access 3612F

#### **Parental Permissions & Authorizations**

##### **STUDENT ACCESS TO TECHNOLOGY– *COTTAGE & DAY STUDENTS***

The Montana School for the Deaf and the Blind (MSDB) offers students access to our wired (through school computers) and wireless (through portable devices such as iPads) Internet connections. Students under age 18 must get parent permission for access while those 18 and over who are their own guardians may sign their own forms.

Internet access, wired or wireless, enables students to search for information worldwide. Families know some Internet material may contain illegal, defamatory, inaccurate or offensive items. We want Internet access to further educational goals/objectives under staff supervision. MSDB has Internet filtering software that is compliant with CIPA regulations, but as families know, no filtering solution is perfect so students may still be able to obtain access to inappropriate material. With wired access, students are prohibited from accessing on-line (outside school) e-mail, instant messenger programs, social media sites, or other direct online communication sites. Students may complete homework assignments, communicate via e-mail, or research information via the Internet. Wireless access is provided with iPads so that electronic textbooks can be downloaded and/or so that an online curriculum can be accessed. iPads also provide communication and enlargement accessibility options. iPads are managed under our Meraki system. Meraki allows us to track iPads, lock/unlock apps and view student usage. All students who require educational access to an iPad will be assigned one for the year to use at school. Use of mobile devices in classrooms is under teacher/supervising staff discretion.

Students are welcome, with parental and administrative approval, to bring their own personal mobile devices (laptop, iPad, Kindle, etc) to support learning and communication at school or at home. With specific parental and administrative approval, students may access specified social media sites to communicate with their family provided they meet the minimum age requirement. Passwords to access student level wireless portals will be entered by tech staff.

Students must be responsible users of technology. Unauthorized use or violation of school rules with devices will result in confiscation of the device and possible investigation and disciplinary action. Confiscated personal devices will be returned to parents/guardians or the student. All MSDB policies apply to using any device, personal or not. Law officials may be contacted if necessary.

The benefits of Internet access exceed disadvantages. Ultimately, parents/guardians of minors are responsible for setting and conveying the standards their children will follow when using the Internet. MSDB supports and respects each family's right to decide whether or not to allow access.

Students must sign a student technology contract listing rules and consequences. The first time a technology contract is broken, the student will be suspended from using the Internet/e-mail (possibly computers and/or mobile devices) for up to nine (9) weeks dependent on age/maturity. At the second offense, the student will be suspended from Internet/e-mail use until the end of the school year. Students who are suspended and use the Internet to communicate with



family, access online curriculum or support sites will be allowed to do so during class or Cottage Homework Connection.

Students with checked out devices must use and transport equipment safely. If, through neglect or intentional act, the equipment is damaged or lost, the student/parent will be charged the repair or replacement costs. MSDB is not responsible for maintaining personal student devices.

After reading the Network Wise Use Policy #3612 ([www.msdb.mt.gov](http://www.msdb.mt.gov)), please complete this form showing you agree with the terms and conditions outlined.

As parent/legal guardian of the student signing below, I grant and/or deny permission for the areas listed below. I agree to accept responsibility for guiding my child, and conveying to her/him appropriate standards for selecting, sharing and/or exploring information and media.

Permission is: (please check either granted or denied for each item)	Granted	Denied
School e-mail		
Wired Internet Access		
Wireless Access (ex: for iPads)		
Personal device (if applicable)		
Access to Social Media Site for family communication (such as FaceBook)		
<b>LIST below:</b>		

Parent/Guardian Name (Please Print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Policy History:

Adopted on: 11-09-01

Revised on: 11-17-16

## **MSDB STUDENTS**

### Student Use of Motor Vehicles on Campus 3710

Residential and day students must have annual approval from the school and their parent or guardian to have a vehicle on campus. A parent/guardian must complete a signed "Vehicle Use Request" form 3710F1, and submit it to the superintendent for approval. Permission to have a motor vehicle on campus is good for one school year only and must be requested each year by completing form 3710F1. Once approval is granted, the following rules will apply:

- A. Only students with a valid operator driver's license are permitted to have motor vehicles on campus. Proof of liability insurance and current vehicle registration are required for each vehicle before a student is allowed to have a vehicle on campus.
- B. The motor vehicles of residential students will be treated as transportation from home to school and for the expressed purposes as indicated by the parental/guardian stated on form 3710F2, "Student Use of Motor Vehicles on Campus – Rules," and per approval of the dean of students or a designee. The motor vehicles of day students may be used only for transportation to and from school, special school-related activities and to visit residential students during after school hours. Additional uses must be authorized by the parent/guardian on form 3710F2.
- C. Only students whose parent/guardian have provided authorization on form 3710F3, "Student Use of Motor Vehicles on Campus – Permission," are permitted to ride in other students' vehicles. This permission must state the specific date(s) of travel. Unless authorized by the dean of students or a designee, facsimiles, e-mail or phone permissions in lieu of form 3710F3 will not be accepted.
- D. Upon arrival on campus with a vehicle, residential students will park and lock the motor vehicle in the Central Avenue parking lot. The residential student must immediately give all copies of the vehicle keys to the dean of students or a designee.
- E. Motor vehicle keys will be reissued to a student immediately before the student leaves campus for reasons authorized by the parent/guardian. Day students with motor vehicles are to depart the school grounds immediately after the school day ends, or after their authorized purpose for driving to school has ended.
- F. Driving during or immediately after inclement weather is not permitted.
- G. No vehicle maintenance may be performed on campus.
- H. MSDB assumes no responsibility for any theft, damage or vandalism to any motor vehicle either on or off campus.

- I. Any student driving on campus in a reckless and disorderly manner will have his/her motor vehicle privileges revoked. They may only be renewed on the recommendation of the administration of MSDB.
- J. Because of our concern for their safety, students are to follow all state and local motor vehicle rules or their motor vehicle privileges may be revoked. Once revoked, they may only be renewed on the recommendation of the administration of MSDB.

Policy History:

Adopted on: 01-10-03

Revised on:

## MSDB STUDENTS

### Vehicle Use Request 3710F1

Please allow \_\_\_\_\_ to keep a motor vehicle on campus for the \_\_\_\_\_ school year.

This vehicle is a \_\_\_\_\_(year) \_\_\_\_\_(color) \_\_\_\_\_(make) \_\_\_\_\_(model) with license plate number \_\_\_\_\_.

\_\_\_\_\_ (student) has agreed to follow all of the rules related to Student Policy 3710 “Student Use of Motor Vehicles on Campus.” A copy of his/her valid drivers license, proof of liability insurance and current registration for this motor vehicle is attached to this request.

I have read and understand MSDB STUDENT 3710 “Student Use of Motor Vehicles on Campus.” I further understand that MSDB assumes no liability for any damage that may occur to this motor vehicle while it is on campus.

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Signature of Parent/Guardian

Date

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Valid Driver’s License \_\_\_\_\_

Liability Insurance \_\_\_\_\_

Vehicle Registration \_\_\_\_\_

Superintendents Approval \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Signature/Date

#### Policy History:

Adopted on: 01-10-03

Revised on:

## MSDB STUDENT

### Student Use of Motor Vehicles on Campus Rules 3710F2

The rules established by the Montana School for the Deaf and the Blind for students to use and keep a private passenger vehicle on campus are:

1. Parents must submit a signed "Vehicle Use Request," form 3710F1, to the Superintendent. Permission is only granted with authorization by the Superintendent.
2. A copy of a valid driver's license of the student along with proof of insurance and registration for each vehicle that the student will be using, must accompany the "Vehicle Use Request" form.
3. The student may use the specified vehicle for the purposes of transportation from home to school and for other purposes as indicated by the parent/guardian below.
4. The student may transport only those students listed by the parent/guardian on this form. Other students may only be transported with prior written approval from the parent/guardian, on form 3710F3, "Permission for a Residential Student to be a Passenger in a Vehicle Driven by Another Student."
5. The student may transport only those MSDB students who have written permission from their parents per form 3710F3.
6. Students must park their cars in the Central Avenue lot when not in use.
7. No vehicle maintenance may be performed on campus.
8. Keys to the vehicle must be kept in the cottage office and checked out each time the student uses the vehicle.
9. The school assumes no responsibility for any theft, damage or vandalism to any motor vehicle either on or off campus.
10. Driving during or immediately after inclement weather is not permitted.
11. Any student driving on campus in a reckless and disorderly manner will have his/her motor vehicle privileges revoked. They may only be renewed on the recommendation of the administration of MSDB.

The student may use the specified vehicle for transportation from home to school and for the following additional purposes:

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Additional restrictions that I request the school to enforce while my student has a vehicle on campus:

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Students who may be passengers in my child's vehicle:

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Students who may NOT be passengers in my child's vehicle:

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Signature by parent/guardian indicates permission for the student to use a vehicle during the school year according to the rules and restrictions stipulated above and that the parent has read/reviewed rules and additional restrictions with the student.

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Signature of Parent/Guardian      Date

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Signature of Student      Date

Policy History:

Adopted on: 01-10-03

Revised on:

## **MSDB STUDENTS**

### Student Use of Motor Vehicles on Campus Permission for a Residential Student to be a Passenger in a Vehicle Driven by Another Student 3710F3

The rules established by the Montana School for the Deaf and Blind for riding in a private passenger vehicle that is driven by another MSDB student or a public school friend are:

1. This permission form must be on file in the cottage office before a residential student may be a passenger in a vehicle driven by another student.
2. The parent/guardian must give written permission for each student with whom their child is allowed to ride. Parents should indicate any student with whom their child is NOT allowed to ride.
3. The parent/guardian of the student who is driving a vehicle must provide written authorization for each student who is allowed to be a passenger using form 3710F2 "Student Use of Motor Vehicles on Campus Rules".
4. The student must complete an OFF CAMPUS INFORMATION form and have permission from the Dean of Students or designee each time he/she leaves campus as a passenger of another student.
5. The student must return to campus at or before the time agreed upon by the Dean of Students or designee.
6. MSDB and its employees assume no responsibility for any student who is a passenger in a vehicle operated by anyone other than MSDB staff.
7. Unless authorized by the Dean of Students, facsimiles, e-mail or phone permissions will not be accepted for the purpose of obtaining parent/guardian permission for a residential student to ride in a vehicle driven by another student.

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The purpose(s) for travel as a passenger in another students' vehicle include:

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If there are additional restrictions that the parent requests MSDB to enforce when their child is a

passenger in a vehicle driven by another student they must be listed below:

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Students with whom my child may be a passenger:

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Students with whom my child may NOT be a passenger:

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Signature by a parent/guardian indicates permission for the student to be a passenger in vehicles driven by other students according to the rules and restrictions stipulated above and that the parent has read/reviewed rules and additional restrictions with the student.

\_\_\_\_\_  
Signature of Parent/Guardian      Date

\_\_\_\_\_  
Signature of Student      Date

Policy History:

Adopted on: 01-10-03

Revised on:



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## **MSDB COMMUNITY RELATIONS**

### Goals 4000

The Board, through the leadership of the Superintendent and the assistance of the total staff, will seek to enhance the School's community relations with parents, public schools, the Office of Public Instruction, community partners and early intervention and other related service providers by striving to achieve the following goals:

1. to encourage and enhance regular and meaningful two-way communication between School and home, between school and community partners, and between School and other services providers;
2. to increase both the quality and quantity of parental and public participation in School affairs, activities and programs;
3. to strengthen and improve relations and interactions among School administration, staff, parents, students and constituents, the Office of Public Instruction, public schools, early intervention and other service providers and community partners;
4. to promote understanding, cooperation, trust and mutual support between the home, School, community partners, constituents and service providers.

Legal Reference:      10.55.701, ARM      Board of Trustees  
                              20.66.801, ARM      School Climate

### Policy History:

Adopted on: 07-18-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Family Engagement 4100

The Montana School for the Deaf and the Blind (MSDB) affirms that the involvement of families is critical to student success. To better engage our families, MSDB shall strive to utilize the languages, cultures, and communication choices of our families and students as the foundation of an educational program that ensures every student is eager and willing to learn. Collaborative decision-making processes shall be incorporated in appropriate school and residential program actions to improve student outcomes.

MSDB will strive to actively build partnerships with families by encouraging them to:

1. Actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class.
2. Engage in regular, two-way meaningful communication with staff about student learning; continuously collaborate with staff to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively.
3. Be empowered advocates for their own and other children, to ensure that students are treated equitably and have appropriate and meaningful access to learning opportunities that will support their success.
4. Partner with school staff in decisions that affect children and families and together inform, influence, and create policies, practices, and programs that improve student learning.
5. Collaborate with school staff and members of the community to connect students to expanded learning opportunities, community services, and civic participation.

Legal References: 10.55.701, ARM

Board of Trustees

#### Policy History:

Adopted on: 11-14-2014

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Public Relations 4120

The School shall strive to maintain effective two-way communication channels with the public. Such channels shall enable the administration and staff to interpret the Schools' needs to the community and provide a means for citizens to express their needs and expectations to the administration and staff.

The Superintendent shall establish and maintain a communication process within the School system and between it and the community. Such a public information program shall provide for news releases at appropriate times, arrange for news media coverage of School programs and events, provide for regular direct communications between individual schools and the citizens they serve, and assist staff in improving their skill and understanding in communicating with the public.

Community opinion may be solicited through surveys, parent organizations, parent-teacher conferences, open houses, and other such events or activities which may bring staff, constituents and the community together.

Legal Reference:        Art. II, Sec. 8, Montana Constitution – Right of Participation  
                                 Art. II, Sec. 9, Montana Constitution – Right to Know

### Policy History:

Adopted on: 07-18-03

Revised on:

**MSDB  
COMMUNITY RELATIONS****School Support Organizations and the MSDB Foundation** 4210

The Board recognizes that parent, teacher, student and community organizations and the MSDB Foundation, Inc. are an invaluable resource to the School and so supports their formation and vitality. While parent, teacher, student and community organizations and the MSDB Foundation have no administrative authority and cannot determine School policy, their suggestions and assistance are always welcome. Membership to school sponsored organizations must be open and unrestricted.

Booster clubs and/or special interest organizations may be formed to support and strengthen specific activities conducted within the School. All such groups must receive the approval of the School principal, Superintendent, and the Board in order to be recognized as a booster organization. Staff participation, cooperation, and support are encouraged in such recognized organizations.

**Policy History:**

Adopted on: 11-16-03

Revised on:

**MSDB  
COMMUNITY RELATIONS****Fund-Raising by School Support Groups 4222**

Fund-raising by School support groups is considered a usual and desirable part of the function of such groups. The specific fund-raising activities must be approved in advance by the principal.

The principal or dean of students must be consulted prior to any expenditure of such funds. All such funds raised by School sponsored groups are to be used for the direct or indirect support of School programs. Equipment purchased by support groups and donated to the School becomes the property of the School and may be used or disposed of in accordance with School policy and state law.

**Policy History:**

Adopted on: 11-16-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Hazing, Harassment, Bullying, Intimidation, Cyberbullying 4226

The Board will strive to provide a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited in the School and Cottages and shall not be tolerated. This includes persistent threatening, insulting, or demeaning gestures or physical conduct, including intentional written, verbal or electronic communication or threats directed against a student or students regardless of the underlying reason. Prohibited behavior is not allowed in the classrooms or cottages or on any school property or at any time or location where the school is responsible for the student including when the student is traveling to or from school or on a school bus or other school related transportation.

#### Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in School business, such as employees of businesses or organizations participating in cooperative work programs with the School and others not directly subject to School control at inter-School and intra-School athletic competitions or other school events.
2. "School" includes School facilities, School premises, and non-School property if the student, employee, or third party is at any School-sponsored, School-approved, or School-related activity or function, such as concerts, award ceremonies, field trips or athletic events, where students, staff, or third parties are under the control of the School or where the employee or students are engaged in School 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 School-sponsored activity or grade-level attainment, including, but not limited to, forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any willful act which would cause a reasonable individual or group to feel harassed based on unwanted or unwelcome, persistent abusive behavior of a nonverbal, verbal, written, or physical nature, on the basis of age, race, religion, color, creed, national origin, sex, sexual orientation, ancestry, disability, or marital status or that contributes to or creates a hostile or offensive environment in the school or cottages.

5. "Bullying" is unwanted, repeated, aggressive behavior that involves a real or perceived imbalance of power and is any act that substantially interferes with a student's educational benefits, opportunities, or performance. Regardless of the underlying reason(s) bullying or intimidation will not be tolerated on or immediately adjacent to school grounds, at any school/cottage sponsored activity, on school-provided transportation, or 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 or cottage 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.

6. "Intimidation" includes, but is not limited to, any threat or act intended to tamper with, substantially damage, or interfere with another's person or property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury.

7. "Cyberbullying" is the use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings (including blogs).

All reports of harassment in cyberspace will be investigated fully.

### 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, bullying, or menacing in violation of this policy is encouraged to immediately report his/her concerns to the principal, dean of students, business manager, or the superintendent, who have overall responsibility for such investigations. This report may be made anonymously. Reports of violations of this policy by staff or third parties may use the "Incident Report for Violations of MSDB Policy 4226." A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate official. Complaints against the building principal, dean of students, business manager, shall be filed with the superintendent.

Reports of students violating this policy should be made by staff according to the procedures outlined in MSDB Policy 3300, Progressive Discipline Plan, using the Student Incident Report.

### Investigation of Reports



Complaints against the superintendent shall be filed with the Board. It is the responsibility of the Superintendent or designee to provide timely notification of the findings of investigations and actions taken to the alleged victim or complainant, parents or guardians of any student named in reports if the student is a minor.

### Responsibilities

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

### Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent 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 References:

§ 45-8-213, MCA Privacy in communications  
 10.55.719, ARM Student Protection Procedures  
 10.55.701 (1)(g), ARM Board of Trustees  
 10.55.801(1)(d), ARM School Climate

### Cross Reference:

3310	Code of Student Behavior
3226	Hazing, Harassment, Intimidation, Bullying, Menacing
5226	Hazing, Harassment, Intimidation, Bullying, Menacing
4410	Relations with the Law Enforcement and Child Protective Agencies

### Policy History:

Adopted on: 07-12-12

Revised on:

**MSDB  
COMMUNITY RELATIONS 4226F**

**Incident Report for Violations of MSDB Policies 3226, 4226, 5226**

**4226F**

**Instructions:**

3. Complete Section I fully.
4. Sign bottom and turn in to the program administration.

**Section 1**

<b>Persons involved:</b>	<b>Date of Incident:</b>
	<b>Time of Incident:</b>
	<b>Location of Incident:</b>
<b>Incident Details</b> Describe what happened. Be specific and objective describing what took place:  What was done to resolve the problem and by whom:  What was the final outcome:  If the incident was an emergency was law enforcement contacted and by whom:	

**Do you feel that further intervention is necessary? Yes \_\_\_\_ No \_\_\_\_**

**Signature of person making report and date:**

**Section 2**

**Administrator taking report/date:**

**Board Member contact:**

**Date:**

**By whom:**

**Summary of action taken by whom and when:**

**Date of follow-up communication with person making the report:**

**Policy History:**

Adopted on: 07-12-12

Revised on:

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## **MSDB COMMUNITY RELATIONS**

### Recognition of the Role of Parents/Guardians 4300

The Montana School for the Deaf and Blind strives to promote parent-school partnerships through facilitating the full participation of the parent on the IEP team, through regular, meaningful 2-way communication and support of the parent in their role in parenting and in assisting in their child's education and learning. Communication is supported via the use of e-mail, telephones and newsletters between the education and residential staff and parents/guardians.

The MSDB solicits from parents/guardians their concerns and helps to assess their need for assistance in their role as effective parents/guardians and mentors in their child's education. The School will, as determined necessary, provide through outreach services, instruction to parents/guardians, which will assist them in developing essential communication and technical skills.

The MSDB seeks out and welcomes parental support and assistance for the School, its programs, and staff. The School provides annual regular opportunity for parents/guardians to provide formal comment on the School and parental participation in an integral part of committee work that considers the Five Year School Improvement Plan. The School also welcomes parents/guardians into the classroom as visitors and volunteers.

Through the ongoing IEP process, MSDB ensures that parents/guardians are educated and involved as full partners in the decisions that are made regarding their child's education. The MSDB assesses the needs of parents/guardians in this regard and when necessary will provide technical training to assist them in fully understanding the IEP process needs and educational goals for their child.

Cross Reference:	3114 Student	Procedural Safeguards
	4000 Community Relations	Goals

Legal Reference:

#### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Visitors to the School and Residential Facilities 4301

MSDB encourages visits by parents, guardians, Board members and community members to all campus facilities. All visitors shall report to the administration office in Bitterroot Hall or the Dean of Student's office in Yellowstone Hall when coming on campus. Entrance to all buildings will be made through clearly marked, central points of access. All visitors are asked to give their name and purpose of their visit and will be asked to wear visitor identification.

### Education Program

To ensure that teachers are able to carry out instruction without interference, visitors to the classrooms will be limited to parents and members of the student's IEP team. At the discretion of the principal, other individuals may be allowed to visit in classrooms.

### Residential Program

All individuals visiting in the residential facilities, who are not members of the faculty or staff of MSDB or students of MSDB, Great Falls High, East Middle School or Lewis and Clark Elementary, must have authorization by a parent or guardian, of a specific student to visit with that student.

The administration may deny access of visitors to students or any campus facilities if it is believed the safety or welfare of students may be in jeopardy.

### Policy History:

Adopted on: 11-14-03

Revised on:

**MSDB  
COMMUNITY RELATIONS****Public Complaint 4310**

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Grievance Procedure 4310P to the appropriate-level staff member or school administrator. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or unless otherwise provided for by law, no appeal may be taken from any decision of the Board.

Any parent or student who believes that the Board of Public Education, its employees or agents have violated their rights guaranteed by the State or Federal constitution, State or Federal statute, or Board policy may use the Uniform Grievance Procedure 4310P.

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

Legal Reference: 10.55.701, ARM Board of Trustees

**Policy History:**

Adopted on: 11-16-03

Revised on: 11-14-14

## **MSDB COMMUNITY RELATIONS**

### Uniform Grievance Procedure 4310P

#### Level 1: Informal

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

#### Level 2: Principal or Dean of Students

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal if the complaint arises in the education program or with the dean of students if the complaint arises in the residential program. The grievance must be filed within thirty (30) days of the event or incident.

If the complaint alleges a violation of Board policy or procedure, the principal or dean of students shall investigate and attempt to resolve the complaint. A decision on the grievance shall be made in writing within 20 days after it was filed. If either party is not satisfied with the principal or dean's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the principal or dean's decision. This request must be submitted to the Superintendent within fifteen (15) days of the principal or dean's decision.

MSDB has appointed a Nondiscrimination Coordinator to assist in the handling of discrimination complaints if a complaint alleges a violation of Title IX, Title II, section 504 of the Rehabilitation Act, or sexual harassment, the principal or dean shall turn the complaint over to the Nondiscrimination Coordinator for investigation of the complaint. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may request the services of an outside investigator. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal to the Board of Public Education seeking a hearing. The request for a hearing must be received by the Executive Secretary of the Board of Public Education within fifteen (15) days of receiving the report of the Coordinator.

#### Level 3: Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the principal or dean. The parties shall be afforded the opportunity to either dispute or concur with the principal or dean's report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal or dean, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal or dean,

the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board of Public Education is the next avenue for appeal. A written appeal must be received by the Executive Secretary of the Board within fifteen (15) days of receiving the Superintendent's decision. The Board is the policy-making body of the School, however. Appeals to that level are limited solely to the issue of whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

#### Level 4: The Board of Public Education

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration at their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

#### Waiver of Time Limit

The parties may in writing jointly waive any time limit in this policy.

Legal Reference: 10.55.701, ARM Board of Trustees

#### Policy History:

Adopted on: 11-14-03

Revised on: 11-14-14

## **MSDB COMMUNITY RELATIONS**

### Disruption of School Operations 4313

If any person disrupts or obstructs any School program, activity, or meeting, or threatens to do so, or commits, threatens to imminently commit, or incites another to commit any act that will disturb or interfere with or obstruct any lawful task, function, process, or procedure of any student, official, employee, or invitee of MSDB, the staff member in charge shall immediately notify the principal, dean or students or their immediate supervisor. The administrator will restore order by taking action up to and including contacting local law enforcement authorities of the incident.

The staff member in charge shall make a written report detailing the incident, not later than twenty-four (24) hours from when the incident occurred. A copy of the report shall be given to the staff member's program administrator, either the Principal, Dean of Students or Business Manager.

Cross Reference:      COMMUNITY RELATIONS 4301  
Visitors to the School and Residential Facilities

Legal Reference:	§ 20-1-206, MCA	Disturbance of School – penalty
	§ 20-5-201, MCA	Duties and Sanctions
	§ 45-8-101, MCA	Disorderly Conduct

#### Policy History:

Adopted on: 07-18-03

Revised on:



## **MSDB COMMUNITY RELATIONS**

### Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events 4315

Any person, including an adult, who behaves in an unsportsmanlike manner during an athletic or co-curricular event may be ejected from the event the person is attending and/or denied admission to school events for up to a year, after a Board hearing. Examples of unsportsmanlike conduct include, but are not limited to:

- using vulgar or obscene language or gestures;
- possessing or being under the influence of any alcoholic beverage or illegal substance;
- possessing a weapon;
- fighting or otherwise striking or threatening another person;
- failing to obey the instructions of a security officer or school district employee; and
- engaging in any activity which is illegal or disruptive.

The Superintendent may seek to deny future admission to any person, by delivering or mailing a notice, sent by certified mail with return receipt requested, containing:

1. The date, time, and place of a Board hearing;
2. A description of the unsportsmanlike conduct;
3. The proposed time period that admission to school events will be denied.

Further, the administrator or staff person responsible for supervising an event may call law enforcement to come on campus and investigate any unlawful conduct, listed above, which may lead to an arrest and/or criminal charges being made against the perpetrator of the conduct.

Legal Reference:	§ 20-1-206, MCA	Disturbance of school – penalty
	§ 20-4-303, MCA	Abuse of teachers
	§ 45-8-101, MCA	Disorderly conduct

#### Policy History

Adopted on: 01-10-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Accommodating Individuals with Disabilities 4316

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on an basis equal to those without disabilities and will not be subject to illegal discrimination.

The MSDB may provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

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

1. Oversee the School's compliance efforts, recommend necessary modifications to the Board, and maintain the School's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date (*for schools having fifty (50) or more full- or part-time employees*).
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Superintendent or building administrator if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure.

Cross Reference: 4310P Uniform Grievance 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: 11-14-03

Revised on:

**MSDB  
COMMUNITY RELATIONS**Contact with Students 4320

Students are entrusted to the School for educational and residential purposes. Although these purposes encompass a broad range of experiences, school officials must not assume license to allow unapproved contact with students by persons who are not employed by the School for these purposes. Staff from the Education and Student Services Programs may arrange guest speakers on appropriate topics relative to the school or cottage curriculums. The Principal or Dean of Students may approve assemblies on specific educational or social topics of interest and relevance to the school or cottage programs. Other types of group contact by non-school personnel will normally not be permitted. Outside organizations desiring to use the captive audience of the student body for information, sales material, or special interest curricula will not be allowed access to the schools.

All contact by non-school personnel, with an individual student, must be approved the parent or legal guardian of the student.

Policy History:

Adopted on: 03-15-02

Revised on:

**MSDB  
COMMUNITY RELATIONS****Distribution of Fund Drive Literature Through Students** 4321

It is the policy of this School to refrain from having the students, as student body members, used for the purpose of collecting funds or disseminating fund drive literature.

Exceptions to this policy will be considered when student or school-affiliated organizations, sanctioned by the School, request permission to participate in a fund raising activity.

**Policy History:**

Adopted on: 07-16-04

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Community Use of School Facilities 4330

The Montana School for the Deaf and Blind facilities are available to the community for education, civic, cultural and other non-commercial uses consistent with the public interest, when such use does not interfere with the School program or School-sponsored activities. Use of School facilities for School purposes has precedence over all other uses. Persons on School premises must abide by the School's conduct rules at all times.

Student and School-related organizations shall be granted the use of School facilities at no cost. Other organizations granted the use of the facility shall pay fees and costs. The Superintendent shall develop procedures to manage community use of School facilities. Use of School facilities requires the Superintendent's approval and is subject to the procedures.

The administration shall approve and schedule the various uses of the School facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the School year. Should a conflict arise, the School reserves the right to cancel an approved request when it is determined that the facilities are needed for School purposes. Requests for use of the School facilities must be submitted to the Superintendent's office ten days in advance of the event.

Legal Reference:                    § 20-7-805, MCA      Recreational Use of School Facilities  
   Secondary  
   *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 113  
   S. Ct. 2141  
   10.55.701, ARM      Board of Trustees

Cross Reference:                    COMMUNITY RELATIONS4330P      Rules and Regulations for  
   Building Use  
   COMMUNITY RELATIONS4330F      Facility Use Form

#### Policy History:

Adopted on: 10-14-92

Revised on: 10-18-95

Revised on: 11-14-03

Revised on: 11-14-14

## **MSDB COMMUNITY RELATIONS**

### Rules and Regulations for Building Use 4330P

1. Applications requesting use of the School facility must be presented to the Superintendent's Office at least ten (10) days in advance of the time desired and must be signed by a qualified representative of the organization desiring to use the building.
2. Rental fees schedules are outlined in the "Application and Permit for Use of MSDB Facilities."
3. Fees may be waived for private nonprofit groups that do not charge admission fees and provide a benefit to the students served by the School. All other profit or nonprofit groups or organizations will be charged rental fees as listed above.
4. The use of the School premises will be denied when, in the opinion of the Superintendent, such use may be construed to be solely for commercial purposes, there is a probability of damage or injury to School property, or the activity is deemed to be improper to hold in School buildings or on School property.
5. In case of loss or damage to School property, the organization and/or individual signing the request shall be fully responsible and liable.
6. A certificate of liability insurance, as outlined in the "Application and Permit for Use of MSDB Facilities," will be required from the renting agency. This requirement may be waived by the Superintendent when the risk of injury or property damage by certain activities for some groups or organizations is not present.
7. No furniture or apparatus shall be moved or displaced without permission.
8. No access to other rooms in the building shall be permitted unless designated by agreement.
9. There shall be no smoking within the School buildings. There shall be no narcotics, drugs, stimulants, or alcohol used or sold in or about School buildings and premises, nor shall profane language, quarreling, fighting, or gambling be permitted. Violations of this rule by any organization during occupancy shall be sufficient cause for denying further use of School premises to the organization.
10. Wax, or other preparations ordinarily used on dance floors, is not to be used on gymnasium floors.
11. The Superintendent may require a School employee to be present during use of the building by the non-school organization. In such case, the requesting organization will pay for the employee expense (i.e., custodians, overtime).

12. When the School official finds it necessary that police or other security personnel be retained for crowd control, such requirement may be added as a condition of the “Application and Permit for Use of MSDB Facilities.”

13. There may be additional rules or conditions for the use of specific buildings on campus.

Legal Reference: 10.55.701, ARM Board of Trustees

Cross Reference: COMMUNITY RELATIONS 4330 Community Use of School  
Facilities  
COMMUNITY RELATIONS 4330F Application and Permit for Use  
of MSDB Facilities

Procedure History:

Adopted on: 07-16-04

Revised on: 11-14-14

## APPLICATION AND PERMIT FOR USE OF MSDB FACILITIES

Facility to be used: \_\_\_\_\_ Facility to be opened at \_\_\_\_\_

Rental Dates: \_\_\_\_\_ Performance Time \_\_\_\_\_ to \_\_\_\_\_

Required Set Up Time: \_\_\_\_\_

Organization or Group Using Facility (applicant): \_\_\_\_\_

Arrangements Made By: \_\_\_\_\_  
NAME ADDRESS TELEPHONE

Invoice to be mailed to: \_\_\_\_\_  
NAME ADDRESS TELEPHONE

Purpose of Rental: \_\_\_\_\_ No. Attending: \_\_\_\_\_

Will Admission Be Charged: YES \_\_\_\_\_ NO \_\_\_\_\_

### FEE & PERSONNEL SCHEDULE - SEE BACK OF FORM

Gymnasium Rental	\$	
Pool Rental	\$	
Concession Stand Rental	\$	
Cottage Room Charge	\$	
Kitchen Facility Rental	\$	
Meeting Room Rental	\$	Room _____
Academic Building IMC	\$	
Maintenance Fee	\$	
Lifeguard Fee	\$	
Other Charges	\$	
<b>TOTAL CHARGE</b>	<b>\$</b>	
Bond for use of facilities	\$	(Damage Bond Amount)
Equipment:		
Sound Equipment _____	Bleachers _____	Chairs _____ Tables _____
Podium _____	Locker Rooms _____	Other _____

As a representative of the applicant, the undersigned agrees to use the above listed school facilities in accordance with the RULES AND REGULATIONS governing the use of school building, grounds, and equipment and that where the school property has been damaged or abused beyond normal wear, the applicant shall pay to repair/replace damaged equipment and/or buildings. Additionally, the applicant agrees to the Montana School for the Deaf and Blind, Board of Public Education and the State of Montana harmless from all claims or liabilities for damages and injuries to person or loss of damages to property, caused by or in connection with, the use of the premises hereby or caused by any source whatsoever. The undersigned will provide for a \$1,500,000 liability insurance, which states it will defend and indemnify the Montana School for the Deaf and Blind, Board of Public Education and the State of Montana and their employees.

Signature of Applicant: \_\_\_\_\_ MONTANA SCHOOL FOR THE DEAF & BLIND  
Authorized Representative

For: \_\_\_\_\_ Signature: \_\_\_\_\_  
Applicant - Organization or Group Superintendent or Business Manager

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Renter's Copy - - - - White  
 Principal's Copy - - - - Pink

Custodian's Copy - - - - Gold  
 Dean of Student's Copy - - - - Yellow

Business Office Copy - - - - Green



## **MSDB COMMUNITY RELATIONS**

### Use of School Property for Posting Notices or Commercial Promotions of Goods and Services 4331

Non-school related individuals or organizations may ask the building principal or dean of students permission:

1. To display posters in the area reserved for community posters; or
2. To have flyers distributed to staff, parents or students.

Posters and/or flyers subject to a request must be student oriented and have the sponsoring organization's name prominently displayed. Permission will be denied to post or distribute any material that would:

1. Disrupt the educational process
2. Violate the rights of others
3. Invade the privacy of others
4. Infringe on a copyright
5. Be obscene, vulgar, or indecent, or
6. Promote the sale of goods or services

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings or to promote goods or services which have been approved by the State Department of Administration. No information from any candidates for non-student elective offices shall be posted in the School, or distributed to the students.

If permission is granted to distribute, the organization must arrange to have copies delivered to the School. Distribution of the material will be arranged by the administration.

#### Policy History:

Adopted on: 11-14-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Conduct on School Property 4332

In addition to prohibitions stated in other School policies, no person on School property shall:

1. Injure or threaten to injure another person
2. Damage another's property or that of the School
3. Violate any provision of the criminal law of the State of Montana or City of Great Falls or Cascade County ordinance
4. Smoke or otherwise use tobacco products in areas other than those designated as "Smoking Area"
5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess dangerous weapons at any time
6. Impede, delay or otherwise interfere with the orderly conduct of the School's educational program or any other activity occurring on School property
7. Enter upon any portion of the School premises at any time for purposes other than those which are lawful and authorized by the Board or
8. Willfully violate other School rules and regulations.

"School property" means within school buildings, in vehicles used for School purposes, or on owned or leased School grounds. As circumstances warrant, appropriate action will be taken by the School's administrators.

Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081  
 Smoke Free School Act of 1994  
 § 20-1-220, MCA Use of Tobacco Product in Public School Building or Property Prohibited  
 § 20-5-410, MCA Civil Penalty  
 §39-71-1501, et seq., MCA Montana Safety Culture Act  
 20 U.S.C. § 8921, et seq. Gun Free School Act of 1994  
 The Safe and Drug-Free Schools and Communities Act (SDFSCA) (Title IV, Part A of the ESEA)

#### Policy History:

Adopted on: 07-18-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Public Access to School Records      4340

Within the limits of an individual's right of privacy, full access to information concerning the administration and operations of the School shall be afforded to the public. Public access to School records shall be afforded according to appropriate administrative procedures.

"School records" include any writing, printing, photostating, photographing, etc. (including electronic mail), that has been made or received by the School in connection with the transaction of official business and presented for informative value or as evidence of a transaction, and all other records required by law to be filed with the School. "School records" do not include the personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent shall serve as "public records coordinator" with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent shall authorize the inspection and copying of the School's records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 4, MCA, the School shall make available for public inspection and copying all School records, or portions, except those which contain the following information:

1. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 and adopted School policy;
2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy;
3. Test questions, scoring keys, or other examination data used to administer academic tests;
4. The contents of real estate appraisals, made for or by the School relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three (3) years after the appraisal;
5. Preliminary drafts, notes, recommendations, and intra-School memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the School in connection with any School action;

6. Records that are relevant to a controversy to which the School is a party but which records would not be available to another party under the rules of pretrial discovery for cases pending resolution;
7. Records or portions of records, the disclosure of which would violate personal rights of privacy; and
8. Records or portions of records, the disclosure of which would violate governmental interests.

If the School denies any request, in whole or in part, for inspection and copying of records, the School shall provide the requesting party with reasons for the denial.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the School shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion.

The School shall not provide access to lists of individuals which the requesting party intends to use for commercial purposes or which the School reasonably believes shall be used for commercial purposes if such access is provided. However, the School may provide mailing lists of graduating students to representatives of the U.S. armed forces and the National Guard for the purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure, when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

#### Legal Reference:

20 U.S.C. § 1232g;	
34 C.F.R. 99	Family Education Rights and Privacy Act
§ 2-6-109, MCA	Prohibition on distribution or sale of mailing lists – exceptions – penalty
§ 2-6-204, MCA	State records committee approval
§ 2-6-211, MCA	Transfer and storage of public records
§ 40-4-225, MCA	Access to records by parent
10.55.909, ARM	Student Records

#### Policy History:

Adopted on: 01-10-03

Revised on:

**MSDB  
COMMUNITY RELATIONS****Public Participation in Board Meetings 4341**

The Montana School for the Deaf and Blind seeks to permit and encourage the public to participate in agency decisions that are of significant interest to the public. To ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public, the agenda and date for all Board meetings are published and available to the public prior to each meeting. Each meeting agenda includes an item allowing for public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the School conducting the meeting. However, the School may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting. For purposes of this policy, “public matter” does not include contested cases and other adjudicative proceedings.

Legal Reference:     2-3-103, MCA, Public Participation  
                          2-3-202, MCA, Meeting Defined  
                          2-3-212, MCA, Minutes of Meetings, Public Inspections

**Policy History:**

Adopted on: 07-18-03

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Relations with the Law Enforcement and Child Protective Agencies 4410

The primary responsibility for maintaining proper order and conduct in the School and residential programs is that of staff. Staff shall be responsible for holding students accountable for infractions of School and cottage rules, which may include violations of the law on campus or at School activities. Where there is substantial threat to the health and safety of students, staff or others, such as in the case of bomb threats, mass demonstrations with threat of violence, individual threats of substantial bodily harm, use or trafficking of alcohol or drugs, or the scheduling of events where large crowds may be difficult to handle, the law enforcement agency shall be called upon for assistance. Information regarding suspected violations of state law, administrative rule, or school policy shall be communicated to an administrator or supervisor immediately upon discovery or disclosure. The Superintendent or designee is responsible for ensuring that all suspected violations of state law are reported to the appropriate law enforcement agency.

MSDB shall strive to develop and maintain cooperative working relationships with the law enforcement agencies. Procedures for cooperation between law enforcement, child protective, and School authorities shall be established. Such procedures shall be made available to affected staff and periodically revised.

Cross Reference:      COMMUNITY RELATIONS 4313 Disruption of School Operations  
                               COMMUNITY RELATIONS 4411 Investigations and Arrests by Police  
                               STUDENTS 3226 Hazing, Harassment, Bullying, Intimidation,  
                               Cyberbullying

Legal Reference:  
 § 20-1-206, MCA      Disturbance of School – Penalty

Policy History:  
 Adopted on: 01-10-03  
 Revised on: 03-09-12  
 Revised on 07-12-12

## **MSDB COMMUNITY RELATIONS**

### Investigations and Arrests by Police 4411

All contact between the School and the police department on matters involving students shall be made through the offices of the Superintendent, principal or dean of students. Law enforcement authorities should only be allowed to conduct an interview in the School if the interview is at the request of the School or they can show that special circumstances exist. This determination should be made by the Superintendent, principal or dean of students. If a deaf or hard-of-hearing student is being questioned, the law enforcement agency should arrange for interpreter services at the Montana Deaf and Hard of Hearing Services Center. This determination should be made by the Superintendent, principal or dean of students. In no case will MSDB staff be used to interpret for an investigation involving another staff member.

- A. If the police have a warrant for the student's arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the principal or dean of student's office out of view of other students. The policy shall comply with all policies related to the release/or removal of students from the School or cottages when taking a student from campus.
- B. Law enforcement personnel should not be allowed to roam about the School until the student is found. They should remain in the administration office while School personnel seek out the student.
- C. If possible, the educational program of the student should not be disrupted to allow for police questioning.
- D. Any questioning by police should be conducted in a private room or area where confidentiality can be maintained.
- E. If law enforcement officials are to be allowed to question a student under the age of eighteen (18), a reasonable attempt shall be made to notify the parents, except in cases of suspected child abuse or child neglect involving the parent. The parents should be given the opportunity to come to the School prior to the questioning.
- F. If the parents are notified and able to attend, they should be allowed to be present at the interview. The administrator should be present at the interview, but should not take part in any questioning. The administrator should at all times remain a neutral observer.

Cross Reference:      STUDENTS 3440      Release/Removal of Students from the School or Cottages

#### Policy History:

Adopted on: 01-10-03

Revised on:

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## **MSDB COMMUNITY RELATIONS**

### Cooperative Use of Community Resources 4500

The MSDB strives to develop community partnerships based on the needs of its students and the vision and mission of the School. Whenever it appears the cooperative use of resources will result in a stronger school, stronger families, a stronger community and most importantly improved student learning, it is in the best interest of the School to participate in cooperative programs with other units of local or state government, community organizations and private sector business.

When formal cooperative agreements are developed, such agreements shall comply with the requirements of the Interlocal Cooperation Act, with assurances that all parties to the agreement have the legal authority to engage in the activities contemplated by the agreement.

The School may enter into interlocal agreements with a unit of the Montana University System, public community college, and/or tribal college, that would allow enrolled 11<sup>th</sup> and 12<sup>th</sup> grade students to attend and earn credit for classes not available through the School. Tuition and fees, if assessed, will be provided for in the interlocal government.

Legal Reference:	§§ 7-11-101 et. Seq., MCA	Interlocal Cooperation Act
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 11-14-03

Revised on: 11-14-14



**MSDB  
COMMUNITY RELATIONS****Cooperative Programs Between the Montana School for the Deaf and Blind  
and Great Falls School District #1 4520**

The Board authorizes and encourages the administration of the Montana School for the Deaf and Blind to enter into cooperative education and training programs with School District #1 when such arrangements are mutually agreed upon and serve the best interests of children. Such programs shall be reported to the Board with appropriate rationale and evaluation results.

Legal Reference: ARM 10.61.101

**Policy History:**

Adopted on: 10-14-92

Revised on:

## **MSDB COMMUNITY RELATIONS**

### Notice to Parents Required by No Child Left Behind Act of 2001 (“NCLB”) 4600

*NOTE: This list of parental notice requirements may not be exhaustive. The only notices applying to Schools that do **not** receive Title I funds are those regarding student privacy. The notices described in this administrative procedure are paraphrased; please see the specific NCLB section cited for the exact requirements.*

### Improving Basic Programs Operated by Local Educational Agencies

1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
  - b. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
  - c. Whether the teacher is teaching under emergency or other provisional status.
  - d. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
  - e. Whether paraprofessionals provide services to the student and, if so, their qualifications.
2. As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent’s child in each of the state academic assessments.
3. As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the parent’s child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

### Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child’s level of English proficiency, instructional method, how their child’s program will meet the child’s needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.
2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for

participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

#### Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): MSDB shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
  - b. An explanation of what the identification means and how the School compares in terms of academic achievement to other district schools and the state educational agency;
  - c. The reasons for the identification;
  - d. An explanation of what the School identified for School improvement is doing to address the problem;
  - e. An explanation of what the School is doing to help the School address the achievement problem;
  - f. An explanation of how the parents can become involved in addressing the academic issues that caused the School to be identified for School improvement; and
  - g. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 1116(b)(8)(c): Whenever a school fails to make adequate yearly progress and/or is restructured, the School shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.
3. As required by NCLB § 1116(e)(2)(A): The School shall provide annual notice to parents of:
  - a. The availability of supplemental education services;
  - b. The identity of approved providers of those services which are reasonably available in neighboring districts; and
  - c. A brief description of those services, qualifications, and the demonstrated effectiveness of each such provider.

### Parental Involvement

1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement policy, in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.
2. As required by NCLB § 1118(c): The School shall:
  - a. Convene an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation and to explain the requirements of the NCLB and the right of the parents to be involved;
  - b. Offer a flexible number of meetings;
  - c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs, including the planning, review, and improvement of the School parental involvement policy and the joint development of the school-wide program plan under § 1114(b)(2);
  - d. Provide parents of participating children:
    - Timely information about programs under this part;
    - A description and explanation of the curriculum in use at the School, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
    - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

### Education of Homeless Children and Youths

1. As required by NCLB § 722(e)(3)(C): MSDB shall provide written notice, at the time any homeless child or youth seeks enrollment in the School and at least twice annually while the child or youth is enrolled in the school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
  - a. Shall be signed by the parent or guardian;
  - b. Sets forth the general rights provided under this subtitle;
  - c. Specifically states:
    - The choice of schools homeless children and youths are eligible to attend;
    - That no homeless child or youth is required to attend a separate school for homeless children or youths;
    - That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;

- That homeless children and youths should not be stigmatized by school personnel;
  - d. Includes contact information for the local liaison for homeless children and youths.
2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
  3. As required by NCLB § 722(g)(6)(A)(iv): The School shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

### Persistently Dangerous Schools

If the School is identified as a persistently dangerous school,<sup>1</sup> the district must, in a timely Manner:

1. Notify parents of each student attending the School that the state has identified the School as persistently dangerous.
2. Since there is no other placement option at an alternate site and under the governance of the MSDDB, the School is encouraged, but not required, to explore other options which may include transferring students to another district.
3. For those students who accept the offer, complete the transfer.

In addition the School must also:

1. Develop a corrective action plan; and

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<sup>1</sup> **“Persistently dangerous public elementary school or secondary school,”** in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

- (1) In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense has been committed on school property, and
- (2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates –
  - (a) more than five expulsions for a school of less than 250 students,
  - (b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or
  - (c) more than 15 expulsions for a school of more than 1,000 students

2. Implement the plan in a timely manner.

Parental notification regarding the status of the School and the offer to transfer students may be made simultaneously.

### Student Privacy

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, MSDB shall:
  - a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
  - Offer an opportunity for the parent to opt the student out of the activity.
  - b. Offer an opportunity for the parent to opt the student out of the activity.
2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., *“The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”*

### Policy History:

Adopted on: 01-10-03

Revised on:

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## **MSDB PERSONNEL**

### Board Goals                      5000

The human resources of the Montana School for the Deaf and the Blind (MSDB) are valuable and significant in creating an effective educational program and learning residential environment. MSDB functions most efficiently and successfully when highly qualified individuals are employed to staff the needs of the students. Duties and qualifications of personnel employed by the school are delineated in position descriptions which form the basis for professional development plans and staff evaluations. Position descriptions are reviewed on a regular basis by the administration to ensure that they accurately represent the qualifications and skills of staff needed to meet the needs of students served by the education, residential, and outreach programs.

Opportunities for staff development should be planned and provided regularly. Supervision is a necessary, ongoing function of MSDB's leadership. The Board seeks to promote an efficient and positive school and residential climate in all educational and cottage life endeavors, in order that students may work toward their greatest potential for independence and success, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Legal Reference:        10.55.701, ARM        Board of Trustees

### Policy History:

Adopted on: 3-15-03

Revised on: 11-14-14



## **MSDB PERSONNEL**

### Equal Employment Opportunity and Non-Discrimination 5010

The Montana School for the Deaf and Blind hereby affirms that equal employment opportunities are the fundamental right of all citizens and are covered by state and federal law.

It is the policy of the Montana School for the Deaf and Blind to ensure that all employees and all applicants for employment are treated equally without regard to their race, color, religion, national origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status, or sex; unless sex, ex-offender status and/or physical or mental handicap relates to a bona fide occupational requirement. Such action to implement this policy shall include: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and/or on-the-job training.

The School will make reasonable accommodation for an individual with a disability known to the School, if the individual is otherwise qualified for the position, unless the accommodation would impose an undue hardship upon the School.

Inquiries regarding discrimination should be directed to the Title IX Coordinator. Specific written complaints should follow the Uniform Grievance Procedure.

Cross Reference: 5240P Uniform Grievance Procedure

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.  
 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. Al., MCA Human Rights Act  
 §49-3-102, MCA What Local Governmental Units Affected

#### Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Sexual Harassment/Intimidation in the Workplace 5012

#### **1 PURPOSE AND PHILOSOPHY**

1.1 Sexual harassment is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, and intolerance. Because the School is committed to provide a safe, healthy environment for all employees which promotes respect, dignity, and equality, it is the purpose of this policy to create and preserve a workplace environment free from unlawful sexual harassment and discrimination on the basis of sex.

#### **2 REFERENCES**

2.1 20 U.S.C. §1681, Education Amendments of 1972, Title IX. 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.

2.2 34 C.F.R. §§106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX. Requires designation of Title IX Coordinator, grievance procedure, and public notice of Title IX policies and procedures.

2.3 42 U.S.C. §2000e, Civil Rights Act of 1964, Title VII. Prohibits employers from discriminating on the basis of sex.

2.4 29 C.F.R. § 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII. Provides guidelines on sexual harassment in the workplace.

#### **3 MONITORING RESPONSIBILITY**

The School Compliance Officer and Title IX/EEO Coordinator, as designated by the Superintendent of Schools, will be responsible for ensuring compliance with this policy. The Compliance Officer will yearly evaluate, among other things: The frequency and nature of complaints under this policy; staff and student compliance with the policy; the degree and success of parental involvement with the policy; staff, student, and parent perceptions of the policy's effectiveness. Results of the evaluation will be used to modify or update the policy as appropriate, with an emphasis on remedying deficiencies

#### **4 POLICY**

4.1 In order to provide a safe and healthy environment that encourages respect, dignity and equality it is School policy to provide an educational environment free from sexual harassment and discrimination on the basis of sex. Under both Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, the School considers sexual harassment to be unlawful discrimination on the basis of sex. In addition, discrimination on the basis of sex is prohibited by the State Constitution. Finally, sexual harassment/assault by any individual may constitute a sexual crime or child abuse under the State Criminal Code.

4.2 The School strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the School. The School also strictly prohibits any forms of sexual harassment against individuals associated with the school whether or not the harassment occurs on school grounds.

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4.3 Because sexual harassment can occur adult to student, student to adult, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee, or third party (school visitors, vendors, etc.) to sexually harass any student, employee, or any other individual associated with the school (i.e. parents, contractors, maintenance workers, consultants, etc.).

4.4 The School encourages all victims of sexual harassment and persons with knowledge of sexual harassment to report the harassment immediately. Any complainants have the right to be free from retaliation of any kind.

4.5 The School will promptly investigate any formal, informal, verbal and written complaints of sexual harassment, and take prompt corrective action to end the harassment.

## 5 DEFINITIONS

5.1 "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender--based harassment, whether initiated by students, school employees, or third parties when:

5.1.1 Submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education);

5.1.2 Submission to or rejection of the conduct is used as the basis for decisions affecting a student's academic performance, participation in school-sponsored activities, or any other aspect of a student's education;

5.1.3 The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities or creating an intimidating, hostile or offensive education environment.

## 6 UNACCEPTABLE CONDUCT

6.1 Complaints received will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definitions in 5.1 and should be treated as sexual harassment. Unacceptable conduct may or may not constitute sexual harassment. Normally, unacceptable behavior must be severe or pervasive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, faculty and staff who observe unacceptable behavior, as well as administrators conducting an investigation, should consider:

6.1.1 Is the conduct sexual in nature?;

6.1.2 Is the conduct derogatory toward one gender?;

6.1.3 Is the conduct unwelcome?;

6.1.4 Would the behavior be offensive to a reasonable person of the same gender as the victim?;

6.1.5 The nature, severity, and scope of the incidents;

6.1.6 The number of students or staff involved directly or indirectly;

6.1.7 The ages of the parties involved;

6.1.8 The relationship of the parties involved (i.e., staff/student, fellow students, etc.) and whether there is equal power between the parties;

6.1.9 The past discipline history of the parties involved;

6.1.10 The frequency and duration of the behavior;

6.1.11 Whether there is a pattern of behavior;

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### 6.1. 12 Whether the conduct is verbal or physical.

EXAMPLES: School-related conduct that the School considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

6.1.13 Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Criminal Code.

6.1.14 Unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;

6.1.15 Unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing and massages.

6.1.16 Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;

6.1.17 Unwelcome and offensive name, calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;

6.1.18 Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, or standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;

6.1.19 Unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist' so it goes in between the buttocks), bra-snapping, skirt "flipups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;

6.1.20 Unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;

6.1.21 Clothing with sexually obscene or sexually explicit slogans or messages;

6.1.22 Unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;

6.1.23 Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, film\$, Internet material, etc.;

6.1.24 Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

## 7 COMPLAINT PROCEDURES

7.1 In compliance with applicable federal and state law, it is the policy of the school to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex.

7.2 Victims of sexual harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation, or reprisal. Upon filing complaints, victims may

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request an investigator of their same gender and may be represented by any person of their choice.

7.3 Victims of sexual harassment should document the harassment as soon as it occurs. In order to assist investigators, victims should document the harassment with as much detail as possible, including: the nature of the harassment; dates, times, and places it has occurred; name of harasser(s); witnesses of the harassment; and the victim's response to the harassment.

7.4 To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter and/or with an advocate present, and tell the harasser to stop the conduct because it is unwelcome. Victims should document the incident(s) of harassment, and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the incident(s) and the effect/impact of the behavior on the victim.

7.5 If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he/she cannot discuss the concerns with the harasser, the victim should directly inform school staff of the complaint and should clearly indicate what action he/she wants taken to resolve the complaint.

7.6 Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the principal, dean of students and/or the school Title IX coordinator.

7.7 Employees who fail to report student complaints of sexual harassment to appropriate administrators or law enforcement authorities may face disciplinary action, up to and including reprimand, probation, or termination.

7.8 School administrators, including principal and dean of students, Title IX coordinators, or school officials who fail to report or investigate student complaints of sexual harassment may also face disciplinary action, including reprimand, probation, or termination.

7.9 Victims who contact school staff with a complaint are encouraged to submit the complaint in writing. However, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities or small children who need accommodation.

7.10 Complaints are encouraged to be reported as soon as possible, i.e., within ninety (90) days after the incident, in order to be effectively investigated and resolved.

#### 7.11 Reports/Complaints to Law Enforcement Authorities

7.11.1 Consistent with the School Safe and Orderly Schools Policy, where 3, complaint contains evidence of violence or criminal activity, the principal, dean of students and/or school Title IX coordinator shall refer the complaint to the school and appropriate child protection and/or law enforcement authorities for investigation.

7.11.2 The School encourages any individual who has knowledge of sexual harassment of a violent or criminal nature to independently report the information to child protection and/or law enforcement authorities.

7.12 Child Abuse Any sexual harassment complaint containing evidence of child abuse shall be immediately referred to State child protection authorities and/or local law enforcement authorities according to the reporting requirements of State law (e.g., mandatory reporting of physical or sexual abuse of students; mandatory reporting of child abuse). Nothing in this policy prohibits the School from taking immediate action to protect victim~ of alleged child abuse. The accused employee shall be placed on administrative leave pending the outcome of the investigation.

## 8 CONFIDENTIALITY

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8.1 It is School policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's need for confidentiality must be balanced with the School's obligations to cooperate with police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint, the School retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know.

8.2 Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate child protection and/or law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by State law.

## 9 INITIAL (INFORMAL) INVESTIGATION AND RESOLUTION PROCEDURES

9.1 The principal, dean of students and/or Title IX coordinator has the responsibility to conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the principal, dean of students and/or Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

9.2 As soon as possible but not later than three (3) working days following receipt of a complaint, the principal, dean of students and/or Title IX coordinator should commence an investigation of the complaint according to the following steps:

9.2.1 Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

9.2.2 Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and small children who have difficulty writing and need accommodation.

9.2.3 Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.

9.2.4 Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.

9.2.5 Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.

9.2.6 Review all documentation and information relevant to the complaint.

9.2.7 Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, utilize appropriate informal methods to resolve the complaint, including but not limited to:

9.2.7.1 discussion with the accused, informing him or her of the School's policies and indicating that the behavior must stop;

9.2.7.2 suggesting counseling and/or sensitivity training;



9.2.7.3 conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;

9.2.7.4 requesting a letter of apology to the complainant;

9.2.7.5 writing letters of caution or reprimand;

9.2.7.6 separating the parties.

9.2.8 Parent/Student/Employee Involvement and Notification

9.2.8.1 Parents of both victim and accused shall be notified within one school day of allegations that are serious or involve repeated conduct.

9.2.8.2 The parents or advocates of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures. Employees bringing complaints shall be informed of their right to be represented by union officials or other professional representatives.

9.2.8.3 If either the victim or the accused is a disabled student receiving special education services under an IEP, or 504/Americans with Disabilities Act accommodations, all members of the student's IEP or 504 team will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.

9.2.9 Submit a copy of all investigation and interview documentation to the School Compliance Officer/Title IX Coordinator, and to the Human Resources Department if the complaint involves a School employee.

9.2.10 Report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. Instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

9.2.11 Notify the victim that if he/she desires further investigation and action, he/she may request a School level investigation by contacting the School Title IX coordinator. Also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights, the State Human Rights/Civil Rights agencies, and/or a private attorney.

9.3 Whenever a sexual harassment complaint is made, school administrators must take action to investigate the complaint or to refer the complaint for investigation even if the student does not request any action or withdraws the complaint.

9.4 If the initial investigation results in a determination that sexual harassment did occur, and the harasser repeat~ the wrongful behavior or retaliates against the victim, the site administrator will take prompt disciplinary action and will notify the School Compliance Officer/Title IX Coordinator or the Director of Human Resources.

9.5 The principal, dean of students and school Title IX coordinator must consider the sexuality or pervasiveness of the conduct and exercise discretion in determining whether a School level investigation is necessary. If a complaint contains evidence or allegations of serious or extreme harassment, such as adult to student harassment, criminal touching, quid pro quo (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to School administrators, i.e., the appropriate Program Administrator, Human Resources Director, or Compliance Officer/Title IX Coordinator. In addition, where the principal or dean of students has reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately contact appropriate child protection and law enforcement authorities. Where criminal

activity is alleged or' suspected, the accused employee shall be placed on administrative leave pending the outcome of the investigation.

## 10 SCHOOL LEVEL INVESTIGATION

School administrators shall promptly investigate and resolve all sexual harassment complaints that are referred to the School by the school principal, dean of students and Title IX coordinators, as well as those appealed to the School by parties to the complaint. Any party who is not satisfied with the outcome of the initial investigation may request a School level investigation by submitting a written complaint to the appropriate program administrator or Compliance Officer/Title IX Coordinator.

10.1 Important male and female contact persons at the School are as follows: Compliance Officer and Title IX/EEO Coordinator, and Director of Human Resources, Montana School for the Deaf and the Blind.

10.2 The School level investigation should commence as soon as possible but not later than three (3) working days following receipt of the complaint by the School administrator. 10.3 In conducting the School level investigation, the School will use investigators who have received formal training in sexual harassment investigations or that have previous experience investigating sexual harassment complaints.

10.4 If a School investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, School investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

10.5 No later than thirty (30) days following receipt of the complaint, the School will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the School will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

10.6 Any victim or accused who still is not satisfied with the outcome of School investigations, or who feels that his/her civil rights have been violated, may file a request for a review by a neutral panel by submitting a written appeal to the Superintendent of Schools within ten (10) working days following receipt of School findings.

## 11 RIGHT TO REPRESENTATION AND OTHER LEGAL RIGHTS

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. Students who file complaints may elect to be accompanied by another student of their choice at each stage of the complaint procedure. Victims also have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR):

U.S. Department of Education  
Office for Civil Rights, Region VIII Federal Office Building  
1244 Speer Boulevard, Suite # 310 Denver, CO 80204  
tel: (303) 844-5695

Nothing in this policy shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

## 12 RETALIATION PROHIBITED

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner

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in an investigation, proceeding, or hearing of a- sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension, exclusion, probation or termination.

### 13 DISCIPLINE

13.1 Any individual, including an individual with disabilities, who violates this policy will be subject to appropriate disciplinary action under applicable school discipline policies, School human resource policies, and the School Safe and Orderly Schools Policy. Disciplinary measures available to school authorities include, but are not limited to, the following:

- 13.1.1 verbal warnings/reprimands;
- 13.1.2 written warning/reprimand in employee or student files;
- 13.1.3 detention or in-school suspension; 13.1A behavior contracts;
- 13.1.5 requirement of verbal and/or written apology to victim;
- 13.1.6 mandatory education and training on sexual harassment by means of reading assignments, videos, classes, or other presentations; 13.1. 7 requiring a written paper on the topic of sexual harassment;
- 13.1.8 referral for psychological assessment or treatment;
- 13.1.9 requiring parents to attend school with perpetrator;
- 13.1.10 involvement of police and other law enforcement authorities;
- 13.1 .11 community service.

13.2 In addition, if the harassment is severe or persistent, an individual who violates this policy may be subject to alternate placement, suspension, exclusion, probation or termination. Moreover, students who violate this policy may lose the privilege of participating in extra-curricular activities such as athletics, music programs, student government, cheerleading, graduation ceremonies, etc. These penalties may be imposed even for first offenses which are severe or extreme.

13.3 In determining what disciplinary or corrective action is appropriate, school officials shall consider the totality of the circumstances, including but not limited to:

- 13.3.1 the number of victims and harassers involved;
- 13.3.2 the ages of the victims and harassers; 13.3.3 the prior disciplinary record of the harasser;
- 13.3.4 the disability status of the victim and/or harasser;
- 13.3.5 the threatened or actual harm caused by the harassment;
- 13.3.6 the frequency and/or severity of the harassment.

13.4 If school administrators have reasonable suspicion that the harassment involves sexual assault, rape, or any other activity of a criminal nature, they shall notify appropriate law enforcement authorities and immediately initiate appropriate due process proceedings to remove the accused party from the situation.

13.5 If the alleged harasser is a student with a disability whose education involves services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, no suspension or expulsion longer than ten (10) school days or change of placement, or other steps shall be imposed until a School multi-disciplinary team meets to determine the extent to which the harassing behavior is or is not a manifestation of the student's disability.

## 14 FALSE COMPLAINTS

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

## 15 TRAINING

15.1 All students shall be informed of this policy in student handbooks, folders and registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student-body officers shall receive school training about the policy at the beginning of each school year.

15.2 All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the School's commitment to a harassment-free learning and working environment.

15.3 The principal, dean of students or Title IX/EEO Coordinator, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy and related legal developments.

15.4 The principal and dean of students shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

## 16 RECORDS

Separate confidential records of sexual harassment complaints and school-level investigations shall be maintained in the principal or dean of student's office. Records of school investigations shall be maintained in the office of the Compliance Officer/Title IX Coordinator and/or in the Superintendent's office

16.1 Records of school-level (informal) investigations and resolutions shall be retained for at least one (1) year.

16.2 Records school investigations shall be retained for at least three (3) years.

16.3 Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo, other criminal acts, or acts which shock the conscience of a reasonable person shall be retained permanently.

## 17 POLICY DISSEMINATION AND REVIEW

17.1 A summary of this policy and related materials shall be posted in a prominent place in each School facility. The policy shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications as directed by the School Compliance Officer/Title IX Coordinator. In addition, notification shall be sent annually to each local newspaper for publication.

17.2 A committee of administrators, teachers, parents, enforcement authorities, and attorneys shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to update the policy accordingly.

### Legal Reference:

2.1 20 U.S.C. §1681, Education Amendments of 1972, Title IX.

2.2 34 C.F.R. §§106.1-106.71, U.S.

2.3 42 U.S.C. §2000e, Civil Rights Act of 1964, Title VII.

2.4 29 C.F.R. § 1604.11

Montana Constitution Article X, Section 1;

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Montana Human Rights Act MCA, 49-2-101 et. seq.;  
Implementing State and Federal Regulations; MCA 49-3-101, et. seq.

Policy History:

Adopted on: 10-14-92

Revised on: 01-09-01

Revised on: 05-11-06

## **MSDB PERSONNEL**

### Breastfeeding in the Workplace      5015

At the Montana School for the Deaf and the Blind (MSDB), we recognize that breastfeeding is a normal part of daily life for mothers and infants. MSDB supports and encourages mothers who want to continue breastfeeding or expressing milk after returning to work. MSDB will also ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their children.

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

MSDB will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a restroom, where an employee can express milk or breastfeed. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, administrators and supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave. These accommodations will include agreements about spouses, partners, or other family members bringing the infant to the mother for breastfeeding.

#### Cross Reference:

Legal Reference:      MCA 39.2.215 Public employer policy on support of women and breastfeeding

#### Policy History:

Adopted on: 1/19/2018

Revised on:

**MSDB  
PERSONNEL**Applicability of Personnel Policies 5021

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the Montana School for the Deaf and the Blind. However, where there is a conflict between the terms of a collective bargaining agreement and the MSDB's policy, the law provides that the terms of the collective bargaining agreement shall prevail for the staff covered by that agreement.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies established in the Montana Operations manual and by the Board of Public Education, to effectively and efficiently manage MSDB, shall govern.

Legal Reference: § 39-31-102, MCA Chapter not a limit on legislative authority

Policy History:

Adopted on: 3-15-03

Revised on:

## **MSDB PERSONNEL**

### Hiring Process and Criteria 5120

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

Every applicant must provide the School with written authorization for a criminal background investigation. The Superintendent will keep any conviction record confidential as required by law and School policy. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Every newly hired employee must provide the School documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of the tester and the date and type of test administered, unless the person provides written medical documentation that he/she is a known tuberculin reactor.

### Certification

The School requires its contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

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

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference:     § 20-4-202, MCA Teacher and specialist certification registration  
                               § 39-29-102, MCA Point preference or alternative preference in initial  
                               hiring for certain applicants – substantially equivalent selection procedure  
                               No Child Left Behind Act of 2001 (P.L. 107-110)  
                               37.114.1010, DPHHS Employee of School: Day Care Facility Care  
                               Provider

### Policy History:

Adopted on: 10-14-92

Revised on: 05-11-06

[Back to Contents](#)

**MSDB  
PERSONNEL**Professional Staff Appointments and Salaries 5121

The Board of Public Education authorizes the Superintendent of the Montana School for the Deaf and Blind to appoint professional staff subject to Board confirmation and consistent with professional practices and standards within the specialized fields. At the April Board meeting each year the Superintendent will submit to the Board for approval a listing of all professional personnel by name, position, contract days, employment base, if other than Great Falls, and salary.

The Superintendent shall submit a staffing pattern and job description for each administrative staff member with the April quarterly report each year.

Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Fingerprints and Criminal Background Investigations 5122

It is the policy of the Board of Public Education that any finalist recommendation for hire or appointment to a paid or volunteer position with the Montana School for the Deaf and the Blind, that involves regular unsupervised access to students in the school or cottages, as determined by the Superintendent, shall submit to a fingerprint-based national criminal history background check conducted by the Federal Bureau of Investigation prior to consideration of the recommendation for employment. The purpose of this background check is to determine if the applicant has been convicted of certain criminal or drug offenses. The results of the fingerprint-based check shall be presented to the Superintendent concurrent with the recommendation, from the program administrator, for employment or appointment. Any offer of employment or appointment shall be contingent upon results of the fingerprint criminal background check, which must be acceptable to the Superintendent, at his or her sole discretion.

Applicants to MSDB, as a condition of employment to the following positions, must authorize in writing and submit to a fingerprint criminal background investigation:

- All employees in all program areas\* at the Great Falls campus of the Montana School for the Deaf and the Blind;
- All employees of the MSDB Education Program's Outreach Services Division\*;
- All substitute teachers\*, teacher assistants, interpreters and cottage life attendants;
- Any volunteer assigned within the education or residential program who has regular, unsupervised access to students.

Additionally, employees of contracted service providers or MSDB Foundation employees in the following positions, as a condition for approved access to the MSDB campus and facilities, must authorize in writing and submit to a fingerprint criminal background investigation:

- Any employee of the MSDB Foundation, Inc., who is assigned to MSDB and has regular, unsupervised access to students;
- Any employee of a person or firm holding a contract with MSDB, if the employee is assigned to the School and has regular, unsupervised access to students.

The requirement that an applicant submit to a fingerprint background check shall be consistent with and in compliance with the National Child Protection Act of 1993 and the volunteers for Children Act of 1998 and applicable federal regulations.

Each applicant or employee who has been asked to submit to a fingerprint-based background check is entitled to:

- Obtain a copy of any background check report;
- Challenge the accuracy and completeness of any information contained in any such report;
- And, obtain a prompt determination as to the validity of such challenge before a final determination is made by the Superintendent.



If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, for an offense other than a minor traffic violation, the record must be reviewed by the Superintendent, who shall decide whether the applicant shall be declared eligible for employment or appointment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

*\*A fingerprint-based, national criminal history, background check is completed on all teachers, specialists and administrators who hold a valid Montana license initially issued after January 1, 2003.*

Legal Reference:	§37-1-2, MCA	
	§44-5-301, MCA	Dissemination of public criminal justice information
	§44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§44-5-303, MCA	Dissemination of confidential criminal justice information
	ARM 10.57.201A	Criminal History Background Check
	ARM 10.57.113	Substitute Teachers
	Volunteers for Children Act, Public Law 105-251	
	National Child Protection Act of 1993, Public Law 103-209	

Policy History:

Adopted on: 07-18-03

Revised on:

**MSDB  
PERSONNEL**

**AUTHORIZATION TO RELEASE INFORMATION** 5122F

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am seeking employment or volunteer assignment with the Montana School for the Deaf and the Blind, Great Falls, Montana. I acknowledge that a complete investigation in to my background is necessary to protect the safety and welfare of the students at MSDB. I hereby expressly and voluntarily give MSDB the right to make a thorough investigation of my past employment, education and activities. I specifically authorize the release of any and all information of a confidential or privileged nature, **including confidential criminal justice information as defined in § 44-5-103(3), MCA**, to the staff of MSBD and its agents. I understand that MSDB reserves the right to use any lawful method of investigation that, in its sole discretion, it deems reasonable and necessary.

I hereby release the Montana School for the Deaf and the Blind and any organization, company, institution, or person furnishing information to the School and its agents as expressly authorized above, from any liability for damages which may result from any dissemination of the information requested, subject to the provisions of Title 44, Chapter 5, Part 3, MCA.

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE DATE  
Print full name: \_\_\_\_\_  
Print full address: \_\_\_\_\_

\_\_\_\_\_  
CITY STATE ZIP  
Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS ( NOTARY SEAL )

County/Parish of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, a Notary Public for the state of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Authorization to Release Information, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State of \_\_\_\_\_  
County/Parish of \_\_\_\_\_

My commission expires: \_\_\_\_\_

Policy History:

Adopted on: 07-18-03

Revised on:

**MSDB  
PERSONNEL****Probationary Period** 5123

Newly hired employees who are covered by a collective bargaining agreement which establishes a probationary period to be served shall serve a probationary period per the agreement.

Newly hired employees who are not covered by a collective bargaining agreement shall serve a probationary period of one year (see A.R.M. Section 2.21.3808(2)).

The School shall inform the employee of the length of the probationary period at the time of employment.

The School is permitted to, but not required to, credit time in an approved leave of absence without pay toward completion of a probationary period. Employees returning from an approved leave of absence without pay are not required to begin a new probationary period.

The School shall complete at least one performance appraisal for an employee in a permanent position during the first six months of the probationary period.

Unless the employee receives written notification that the employee has not satisfactorily completed the established probationary period on or before the end of the probationary period, the employee attains permanent status.

**Extension of Probationary Period**

The School may extend the length of a probationary period for a maximum of 6 additional and consecutive calendar months.

When the probationary period is extended, the School must notify the employee in writing on or before the end of the established probationary period that the probationary period has been extended and the School must inform the employee of the length of the extension.

An employee whose probationary period has been extended does not attain permanent status until the employee successfully completes the additional probationary period.

**Discharge of a Probationary Employee**

An employee who has not attained permanent status may be discharged at any time during the probationary period. The School shall take reasonable steps necessary to verify the reason for discharge prior to discharge and the reason for discharge shall be communicated to the employee.

### Promoted or Reassigned Employees

An employee who has attained permanent status and who is internally promoted, reassigned or whose position is reclassified shall serve a trial period of one year.

The trial period will be used to determine if the employee will be retained in the new position or returned to the former or an equivalent position.

During the trial period, an employee who has attained permanent status in the former position shall upon promotion, reassignment or reclassification retain all rights extended by virtue of having attained permanent status, except that, the School may return an employee to the former or an equivalent position without following the provisions of grievance policy, the reduction-in-work force policy or the discipline handling policy.

Adoption of this policy does not obligate the School to return the employee to the former or an equivalent position in lieu of other personnel actions which could be taken consistent with the discipline handling, grievance and reduction-in-work force policies.

### Transferred Employees - Voluntary and Involuntary

An employee who has attained permanent status at M.S.D.B. and who applies for and is transferred to another agency loses permanent status at M.S.D.B. and shall have no rights to the position held at M.S.D.B.

Where a position or work unit is transferred from M.S.D.B. to another agency as a result of reorganization, the employee shall have no rights to a position at M.S.D.B.

Legal Reference: MOM 3-0170 Probation  
ARM 2.21.3801-3822

### Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Employee Sign Language Skills 5124

It shall be required that all permanent employees at the School have sign language skill commensurate with the requirements of their positions. This policy and related procedures applies to staff hired into or voluntarily transferred to positions with Sign Language Skill Standards (SLSS) after July 1, 2012. Job position SLSS either established or raised after staff members' job entry dates will not apply to these staff. The requirement for a professional development plan to increase sign language skills applies to all staff hired before July 1, 2012 and who have not achieved their Target Skill Level Standard in two consecutive Sign Language Proficiency Interview (SLPI) evaluations.

### **Purpose**

The Montana School for the Deaf and the Blind (MSDB) recognizes the fundamental need and purpose of clear, consistent, and dependable communication as (1) a foundation for the development of language skills, (2) the basis for the development of interpersonal skills, and (3) critical to the sharing of information among all of the members of the MSDB campus community.

For some members of the MSDB community, the primary and most efficient method of communication is American Sign Language (ASL), Manually Coded English such as Signing Exact English (SEE) or some other form of manual communication, speech reading, or use of residual hearing. The primary purpose of the Employee Sign Language Skill policy is to encourage and support an optimal setting of signed communication for all students and staff across the MSDB campus. In recognition of and respect for the diversity of the MSDB student and staff population, MSDB staff need to possess the skills and knowledge needed to communicate and work effectively with all students and staff. MSDB recognizes that the level of these skills and the importance of acquiring these skills vary across MSDB job positions. Procedures for implementing this policy include a process for determining reasonable accommodations that may be needed for some staff.

### **Rating Standards and Process**

The Superintendent shall establish a sign language skill review system which specifies the required skill level for each position at the School. Frequency, length, and type of communication required for interaction with students and staff who are deaf or hard of hearing are primary factors used in determining sign language skill level standards for selected MSDB staff positions. These standards are based on the Sign Language Proficiency Interview (SLPI:ASL) Rating Scale. SLPI:ASL entry and target skill level standards for MSDB staff positions and the SLPI Rating Scale are listed in Employee Sign Language Skills 5124P2 and Employee Sign Language Skills 5124P1.

MSDB Job Position Skill Level Standards are included in staff position descriptions. For selected new positions or for potential changes to current skill level standards, the immediate supervisors, program administrators and Coordinating Interpreter meet to discuss standards for these positions. The administrators and Coordinating Interpreter make their recommendations for

standards to the Superintendent. The Superintendent makes final decisions for standards and informs the immediate supervisors and administrators for positions and the Coordinating Interpreter of his/her decisions.

All MSDB Staff members, regardless of their date of hire, who have achieved their Target Skill Level Standard will not be required to be reassessed and will not be required to have a professional development plan for sign language skill development.

MSDB staff, hired after July 1, 2012 who are not at their SLPI Target Skill Level Standard at job entry are required to take the SLPI: ASL within 60 days of job entry dates unless they sign a statement indicating that they have no sign language skills.

All employees, regardless of their date of hire, not at their SLPI Target Skill Level Standard are required to have a professional development plan for sign language skill development approved by their immediate supervisor. A professional development plan may include participation in MSDB-supported sign language skill development training and activities during duty time as well as participation in training and activities during non duty time.

Employees not within one level of their Target Skill Level Standard are required to take the SLPI: ASL annually. Employees hired after July 1, 2012 who are within one level of their target skill level are required to take the SLPI:ASL every three years until they achieve their standards. Staff are expected to achieve their standards within three (3) years from their job entry dates.

If a Deaf staff member is hired into a department/program and the current staff 's Target Skill Level is less than "Intermediate," staff in that department will be required to improve the sign language skills to at least the "Intermediate Level" in compliance with the process outlined in this section of the policy.

### **Performance Requirement and Waivers for Employees hired after July 1, 2012**

Competency in sign language may be required to successfully perform the duties in some positions. Sign language skill development toward the target skill level must be demonstrated during the initial 3-year period after hire. For employees who have not achieved their sign language skill target, lack of participation in a professional development plan to improve sign language skills during this period may constitute grounds for termination. Employees who have a professional development plan in place, but have not achieved their target skill level after 3 years, may apply for a waiver to the target skill level, "Sign Language Entry/Target Skill Level Waiver Request" 5124F2 and submit it to their immediate supervisor. All waivers must be approved by the Program Administrator and Superintendent. Waivers may be renewable.

### **Recruitment and Hiring**

MSDB will extend every effort to recruit and hire people with sign language communication skills, taking into consideration other expertise and skills required for each job position. For positions with sign language skill level standards, efforts will be extended to recruit people who are at or above the target skill level at time of hire. If there are no applicants who possess both the entry skill level and other needed job qualifications, the Program Administrator may submit a "Sign Language Entry/Target Skill Level Waiver Request" 5124F2 to the Superintendent. The

waiver must be approved by the Superintendent prior to an offer of employment being extended to a new employee or the transfer of an existing employee.

Legal Reference: MCA 20-8-120 Communication Skills Required of Certain Employees

Policy History:

Adopted on: 10-14-92

Revised on: 03-09-12

Revised on: 11-14-14



**MSDB  
PERSONNEL**

Employee Sign Language Skills      5124P1

Sign Language Proficiency Interview (SLPI) Rating Scale: ASL

<b><u>RATINGS</u></b>	<b><u>DESCRIPTORS<sup>c</sup></u></b>
<b><u>Superior Plus</u></b>	<b><u>Able to have a fully shared and natural conversation, with in-depth elaboration for both social and work topics.</u></b> All aspects of signing are native-like.
<b><u>Superior</u></b>	<b><u>Able to have a fully shared conversation, with in-depth elaboration for both social and work topics.</u></b> Very broad sign language vocabulary, near native-like production and fluency, excellent use of sign language grammatical features, and excellent comprehension for normal signing rate.
<b><u>Advanced Plus</u></b>	<u>Exhibits</u> some superior level skills, but not <u>all</u> and not <u>consistently</u> .
<b><u>Advanced</u></b>	<b><u>Able to have a generally shared conversation with good, spontaneous elaboration for both social and work topics.</u></b> Broad sign language vocabulary knowledge and clear, accurate production of signs and fingerspelling at a normal/near-normal rate; occasional misproductions do not detract from conversational flow. Good use of many sign language grammatical features and comprehension good for normal signing rate.
<b><u>Intermediate Plus</u></b>	<u>Exhibits</u> some advanced level skills, but not <u>all</u> and not <u>consistently</u> .
<b><u>Intermediate</u></b>	<b><u>Able to discuss with some confidence routine social and work topics within a conversational format with some elaboration; generally 3-to-5 sentences.</u></b> Good knowledge and control of everyday/basic sign language vocabulary with some sign vocabulary errors. Fairly clear signing at a moderate signing rate with some sign misproductions. Fair use of some sign language grammatical features and fairly good comprehension for a moderate-to-normal signing rate; a few repetitions and rephrasing of questions may be needed.
<b><u>Survival Plus</u></b>	<u>Exhibits</u> some intermediate level skills, but not <u>all</u> and not <u>consistently</u> .
<b><u>Survival</u></b>	<b><u>Able to discuss basic social and work topics with responses generally 1-to-3 sentences in length.</u></b> Some knowledge of basic sign language vocabulary with many sign vocabulary and/or sign production errors. Slow-to-moderate signing rate. Basic use of a few sign language grammatical features. Fair comprehension for signing produced at a slow-to-moderate rate with some repetition and rephrasing.
<b><u>Novice Plus</u></b>	<u>Exhibits</u> some survival level skills, but not <u>all</u> and not <u>consistently</u> .

**Novice**

**Able to provide single sign and some short phrase/sentence responses to basic questions signed at a slow-to-moderate rate with frequent repetition and rephrasing.** Vocabulary primarily related to everyday work and/or social areas such as basic work-related signs, family members, basic objects, colors, numbers, names of weekdays, and time. Production and fluency characterized by many sign production errors and by a slow rate with frequent inappropriate pauses/hesitations.

**Below**  
**Novice/No**  
**Functional**  
**Skills**

**(May be) Able to provide short single sign and “primarily” fingerspelled responses to some basic questions signed at a slow rate with extensive repetition and rephrasing.**

<sup>a</sup> Adapted from U.S. Foreign Service Institute & ACTFL LPI rating scales by William Newell and Frank Caccamise.

<sup>b</sup> The SLPI was referred to as the Sign Communication Proficiency Interview (SCPI) from 1983 to May 2006.

<sup>c</sup> For all SLPI rating descriptors, **first statement (in bold type) always a statement of sign language communicative functioning**, with all remaining statements (regular type) descriptors of ASL form (vocabulary, production, fluency, grammar, and comprehension).

June 2006 (revised edition).

**Policy History:**

Adopted on: 03-09-12

Revised on:

**MSDB****PERSONNEL****MSDB Job Position Sign Language Skill Level Standards 5124P2**

<b>PROGRAM</b>	<b>POSITION</b>	<b>ENTRY/MINIMUM SKILL LEVEL</b>	<b>TARGET/ACCEPTABLE SKILL LEVEL</b>
Administration	Superintendent	Intermediate	Advanced
	Business Manager	None	Survival Plus
	Benefits Specialist	None	Survival Plus
	Executive Secretary	None	Intermediate
	Network Manager	None	Intermediate
	Accounting Technician	None	Survival
Student Services-Administration	Dean of Students	Intermediate	Advanced
	Supervising Counselor	Intermediate	Advanced
	Receptionist/Secretary	None	Survival
Counselors/Recreation/Support	Activities Director	None	Survival Plus
	Lifeguard	None	Novice
	Counselor	Survival	Advanced
Cottage Life	Lead Houseparent	Intermediate	Advanced
	Cottage Life Attendants	None	Intermediate
	AM Cottage Life Attendants	None	Intermediate
	Nightwatch	None	Survival
Health Services	Director	Novice	Intermediate
	Health Service Staff	Novice	Intermediate
Dining Services	Cook	None	Survival Plus
	Baker/Cook	None	Survival Plus
	Dining Room	None	Survival Plus
Education	Principal	Intermediate	Advanced
	Secretary/Education	None	Intermediate
	Scheduling Secretary	None	Intermediate
Outreach	Director of Outreach Services	None	Survival Plus
	VI Outreach Consultant	None	Survival
	Deaf/Hard of Hearing Outreach Consultant	Intermediate	Advanced
	Consulting Audiologist	None	Novice
Support Services	Occupational Therapist	None	Intermediate
	Audiologist	Novice	Intermediate
	Speech Pathologist	Novice	Survival Plus

	School Psychologist	Novice	Intermediate
	Physical Therapist	None	Intermediate
	Orientation & Mobility	None	Intermediate
	Behavior Specialist	None	Intermediate
	Communication Technician	Survival	Intermediate
	Guidance Counselor	None	Intermediate
Library	Librarian	None	Intermediate
	Library Clerk	None	Survival
Visually Impaired Dept	Supervising Teacher	None	Survival Plus
	VI Teacher	None	Survival
	VI TA	None	Survival
Deaf/Hard of Hearing Dept	Supervising Teacher Elementary Level	Intermediate	Advanced
	Transition Coordinator	Survival	Intermediate
	Teacher	Intermediate	Advanced
	Teacher Assistant	Survival	Intermediate
	Coordinating Interpreter	Advanced	Advanced Plus (EIPA 4.5 or higher)
	Interpreters	Intermediate Plus	Advanced (or EIPA 4.0 or higher)
Maintenance	Maintenance Supervisor	None	Survival Plus
	Maintenance	None	Survival Plus

Policy History:

Adopted on: 03-09-12

Revised on:

**MSDB  
PERSONNEL**Sign Language Skill Level Standard Request for Accommodations 5124F1

Instructions: Staff member should complete Section A and give to immediate supervisor. All requests for accommodations must be made within six (6) months of hire or transfer to a position or within six (6) months of the date the accommodations become necessary.

## Section A

1. Staff Member's Name:

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2. Request

Date: 

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3. Program/Department: 

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4. Position

Title: 

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5. SLPI Entry Skill

Level: 

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6. Staff Member's Current Skill

Level: 

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Reasons accommodation(s) are necessary: 

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What do you believe would be a reasonable accommodation(s):

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## Section B

Immediate Supervisor and Coordinating Interpreter recommendation:

Revise SLPI Standard to \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Keep SLPI Standard as currently required and make the following accommodations:

\_\_\_\_\_

\_\_\_\_\_

Reasonable accommodations not supported.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Final decision by MSDB

Superintendent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Immediate Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinating Interpreter's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendents' Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution of final decision: Staff Member, Immediate Supervisor, Coordinating Interpreter,  
Personnel File

Policy History:

Adopted on: 03-09-12

Revised on:

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## MSDB PERSONNEL

Sign Language Entry Skill Level Waiver Request 5124F2

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### SECTION A

(This section to be completed by Program Administrator)

***(Upon completion of Section A, Program Administrator is to forward this form to Coordinating Interpreter for completion of Section B if this is for a current MSDB Employee. If this is for an outside applicant, forward this to the Superintendent for completion Section C.)***

Program: \_\_\_\_\_ Program Administrator: \_\_\_\_\_

1. Name of individual needing Waiver: \_\_\_\_\_
2. What position is this Waiver request for? \_\_\_\_\_
3. What is the Entry Skill Level for this position? \_\_\_\_\_
4. What is the Target Skill Level for this position? \_\_\_\_\_
5. Is this individual a current MSDB employee? (Circle one) YES NO

***If YES, please forward this form to Coordinating Interpreter for completion of Section B (after completing the remaining questions and signing as indicated below). If NO, please forward to HR Director for review.***

6. If you answered NO to #5 above, has this individual already been placed in the position requiring a waiver? (Circle one) YES NO If YES, date of placement: \_\_\_\_\_

*(YES means you are requesting an after the fact waiver.)*

7. Has a SLPI been conducted with this individual? (Circle one) YES NO

***If you answered NO to the above question, please explain why this individual has not had a SLPI conducted. If you answered YES, please give the date and results of the individual's SLPI.***

\_\_\_\_\_  
\_\_\_\_\_

8. In which school department/cottage wing will this individual be placed?

\_\_\_\_\_

9. What duties will be performed? \_\_\_\_\_

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10. Will this individual be working alone in a building with Deaf and/or Hard of Hearing students? (Circle one) YES NO

11. If you answered \*NO to #10 above, will there be any employees available for assistance who are capable of effective communication (for example, have Intermediate or above skills [as determined by the SLPI])? (Circle one) YES NO

*\*NO implies that the individual will not be "alone," therefore, there should be an employee or some employees in the building.*

12. If you answered YES to #11 on the above, have any of the employees who will provide assistance met his/her Sign Language Target Skill Level? (Circle one) YES NO

If you answered YES, list the names of the employees and their most recent SLPI results:

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13. Describe your plans for this individual's sign language training. For example, how will you ensure coverage so that this individual may take advantage of sign language training opportunities? How will you monitor this individual's progress towards achieving his/her recommended Sign Language Target Skill Level?

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In the event this request for waiver is approved by the Superintendent, we understand that it is our responsibility to see that this individual is granted ample sign language training opportunities as sponsored by the Coordinating Interpreter both on and off campus if appropriate.

\_\_\_\_\_  
Program Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Supervisor (If applicable)

\_\_\_\_\_  
Date

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**SECTION B**

**This section to be completed by Coordinating Interpreter for current MSDB employees ONLY** *(Upon completion of Section B, forward this form to the Superintendent for completion of Section C)*

1. Have previous waivers been approved for this individual? (Circle one)    YES    NO  
If YES, provide documentation of waiver history below and attach copies of previous waivers.

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2. SLPI Evaluation History:

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3. Sign Language Training History:

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Coordinating Interpreter

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Date
**SECTION C**

**(This Section to be completed by the Superintendent)**

\_\_\_\_ Approved \_\_\_\_ Denied

Rationale:

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Superintendent

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Date

Distribution to be handled by: Superintendent's Office with original going to Personnel File and copies to Staff Member, Program Administrator, and Coordinating Interpreter.

Policy History:

Adopted on: 03-09-12

Revised on: 11-14-14

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**MSDB  
PERSONNEL****Staff Health** 5130**Medical Examinations**

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

Under the circumstances defined below, the Board may require physical examinations of its employees. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

**Physical Examinations**

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the School may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the State. The School may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, a thirty-(30)-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

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

**Communicable Diseases**

If a staff person has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school's Director of Health Services or other responsible person designated by the Board that he has a communicable disease which could be life threatening to an immune compromised person. The Director of Health Services or other responsible person designated by the Board must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which 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, in case there are precautions that must be taken to protect the health of others. The School reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

### Confidentiality

In all instances, School personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided with necessary medical information.

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

Legal Reference:	29 U.S.C. 794, Section 504 of the Rehabilitation Act
	29 CFR, Section 1630.14(c)(1)(2)(3)
	42 U.S.C. 12101, et seq.      Americans with Disabilities Act
	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
	16.28.1005, ARM      Employee of School – Day Care Facility
	Care Provider

### Policy History:

Adopted on: 07-16-04

Revised on:

## MSDB PERSONNEL

### Supervisory Meals    5131

The Montana School for the Deaf and the Blind (MSDB) operates a school lunch program along with breakfast and dinner services to students. This policy provides clarification for meal sales to eligible students, staff, and stakeholders in compliance with USDA and National School Lunch Program guidelines.

#### Meals for Staff and Stakeholders

1. Staff – Individuals from other agencies or schools performing regular duties on-site shall be considered “staff” for the purposes of this policy. Meals will not be sold to the general public except in the case of visiting individuals that are on campus from another school or on an agency-related business matter.
  - a. Food Service Workers and Nurses are entitled to MSDB-paid meals during their shift.
  - b. Staff members who are directly interacting and/or supervising students during the meal period are entitled to MSDB-paid meals (e.g. teachers, teacher assistants, and residential staff). We encourage staff with a duty-free lunch period to eat with students in the dining hall to provide adult interactions during lunch.
    - i. To qualify for an MSDB-paid lunch, staff must be ***actively engaged, interacting, or supervising students throughout the lunch period.***
    - ii. Staff sitting with deaf and hard of hearing students should be signing to provide equal access to communication.
    - iii. Staff sitting with students who are blind or have visual impairments are encouraged to continue signing to respect the deaf and hard of hearing staff and students in the dining hall.
    - iv. Staff members should contact their immediate supervisor if they have questions regarding this procedure.
2. Volunteers – Individuals working a minimum of four (4) hours on any given day may be eligible for an MSDB-paid meal. It is the responsibility of the department supervisor for whom the volunteer is working to make that determination.
3. Visitors (Family, Students, Children, Special Guests including the Board of Public Instruction and our MSDB Foundation Members) – People visiting MSDB for a campus visit may be served a meal at no cost (with prior arrangement through our Food Services Program) to the visitor.

#### Meal prices

Meal prices are reviewed and set annually.

The Superintendent is directed to develop procedures to ensure that the necessary fiscal requirements are met regarding this policy.

Legal Reference: USDA Guidelines, Internal Revenue Service Regulations 1.119-1, 1.119-1(a)(2), 1.119-1 (a)(2)(ii)(d)

Policy History:

Adopted on: 11-14-2014

Revised on:

## MSDB PERSONNEL

### Employee Illness and Food Services 5132

An array of infections and communicable diseases possibly can be transmitted by infected Food Service employees to the students and or staff at the Montana School for the Deaf and Blind. Any employees who handle food must maintain proper management of the food, maintain a high degree of personal cleanliness and understand the risk of transmitting foodborne pathogens to the students and or staff at the Montana School for the Deaf and Blind.

**ARM 37.110.210 FOOD EMPLOYEES** 1. *No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, diarrheal illness or acute gastrointestinal illness or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such a person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons. Food employees experiencing persistent sneezing, coughing or runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.*

\*If a Food Service employee becomes symptomatic with any of the conditions below, they have been instructed to notify their employer so preventable measures can be taken.

\*All Food Service employees are aware of the extreme importance of a high degree of personal cleanliness and know they must adhere to strict hygienic practices during their working periods in the Food Service establishment.

#### **Symptoms which may exclude an infected individual from food handling duties are:**

Jaundice	Fever
Vomiting	Sore throat with fever
Diarrhea	Lesions containing pus on any exposed body part
Upper respiratory infection (sneezing, coughing, or runny nose)	

#### **Specific illnesses which may exclude an infected individual from food handling duties are:**

Typhoid fever (salmonella typhi)	Hepatitis A
Shigellosis	Campylobacter
Amebiasis	Cryptosporidiosis
Cholera	Poliomyelitis
Giardiasis	Tuberculosis
Salmonellosis	Diarrheal disease outbreak
Escherichia coli 0157:H7	Yersiniosis

#### **Any contagious illness or disease**

Copies of the ADMINISTRATIVE RULES OF MONTANA for food service establishments are on file in the Food Service area. The Food Service Manager also has a copy on file.

Policy History:

Adopted on: 05-13-05

Revised on:

**MSDB  
PERSONNEL****Approval of Time Worked Outside of the Regular Schedule or Contract or Duties as Assigned**  
5141

All work schedules for education staff are determined and assigned by the principal. Schedules for residential staff are determined by the dean of students. This includes, but is not limited to, work associated with student activities such as extra-curricular sports, clubs, organizations, programs and special projects. This does not include work that is part of the contracted work assignment such as attendance at meetings or class preparation.

To be eligible for compensation all time worked outside of the regular contracted duty day must be requested and approved in writing by the principal, or dean of students or his/her designee. To request approval the employee must complete a "Request for Leave" form for "school related duty" submitted to the principal or dean of students at least (10) working days, when possible, prior to the date(s) of the additional work assignment. A detailed explanation of the duty must accompany the request including the following information: a description and the location of the activity, students involved, the beginning and ending dates for the activity, and the total number of hours to be worked. Only after approval has been granted, may the employee work additional hours or days. If the request is not approved, compensation will not be made. For unique circumstances and at the discretion of the administration, requests may be approved for time worked prior to the submission of the form.

**Policy History:**

Adopted on: 09-20-01

Revised on:



**MSDB  
PERSONNEL**Telework Definition and Guidelines 5142Definition

Telework means a flexible work arrangement where a designated school employee may work from home or an alternative work site one or more days a week instead of physically traveling to and working out of the school's campus located at 3911 Central Avenue, Great Falls, MT 59405.

Guidelines

It is the policy of the Montana School for the Deaf and the Blind to allow employees to work from home or an alternate work site under the following guidelines:

- When proximity to clients being served promotes efficient service delivery and is cost effective.
- When it is deemed in the best interest of the school to allow employees to access specified systems from their home in order to maintain continuity of service(s). Examples would include payroll processing and monitoring and maintaining the school's Local Area Network. Allowing employees to access other systems from their home will be considered on a case-by-case basis provided it is deemed in the best interest of the school, is cost effective, and does not compromise security of data systems.
  - a. Security protocols are to be established and monitored for employees allowed access from their home to payroll or other data systems.

Policy History:

Adopted on: 05-13-05

Revised on:

**MSDB  
PERSONNEL**Consulting Services 5143

School personnel may serve as private consultants during non-duty days or hours. The Superintendent shall be provided advance written notification of consulting agreements.

Any outside employment must not present a conflict of interest or prevent the employee from performing his/her assigned duties, and must be done during off-duty hours. It will be considered a conflict of interest for employees of MSDB to privately contract services with any school district, local education agency or parent who would otherwise be entitled to the services of MSDB. It will also be considered a conflict of interest for employees of MSDB to privately contract services with any education or childhood services agency, to provide consultative services for a child who would otherwise be entitled to the services of the Montana School for the Deaf and the Blind. Employees found to be in violation of this policy will face disciplinary action, up to and including termination.

In the event a staff member is required to be absent from their regular assigned duties to fulfill their consulting contract, prior approval for their absence must be obtained from the Superintendent and annual or personal leave will be charged for the time absent. If the employee does not have sufficient annual or personal leave balances to cover the absence, leave without pay will be charged.

Policy History:

Adopted on: 10-14-92

Revised on:

**MSDB  
PERSONNEL**Answering Subpoenas 5144

Employees of MSDB may confer for up to, but not more than, one hour with a party/parties who have a legal right to confidential information, in cases of a civil action in which MSDB is not a party. Employees must notify the Superintendent whenever such conferences have occurred. It is the responsibility of the MSDB employee to inform interested parties that a subpoena will be required for any conference time beyond one hour and that the interested party will be responsible for compensation to MSDB for regular pay and benefits paid to the employee for time spent answering the subpoena as provided by MCA 26.2.515. Employees found to be in violation of this policy will face disciplinary action, up to and including termination.

Legal Reference: § 206.2.515, MCA State Employees – Compensation for time spent  
Answering subpoenas

Policy History:

Adopted on: 09-20-01

Revised on:

## **MSDB PERSONNEL**

### Evaluation of Non-Administrative Staff 5222

The employee's direct supervisor shall evaluate each non-administrative employee's job performance in accordance with ARM 2.21.6401 and MOM Section 3-0115 "Performance Management and Evaluation." The administration and employees and/or members of a collective bargaining agreement shall collaboratively develop the evaluation procedure including forms or other instruments used for assessment. The evaluation procedure will be conducted using a process and forms applicable to the job classification and description and day-to-day appraisals based on the performance and competence of the individual employee. The evaluation procedure will be non-discriminatory and uniformly applied. The evaluation system for staff licensed by the Office of Public Instruction will comply with the provisions of ARM 10.55.701(4) including, but not limited to:

1. Alignment with application school goals and standards of the school's mentorship and induction program as required under ARM 10.55.701(5)(b).
  2. Skill sets to be evaluated.
  3. Formative and summative components.
  4. Assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through performance of the educator's duties.
1. The evaluation process includes scheduled performance evaluations at each of the following points:
    - a. During the first six-months of an initial, 12-month probationary period, ARM 2.21.6401, SDB 3.07,
    - b. Before the end of a full academic year, for certified and non-certified staff in the education program, or before the end of a full 12-months for classified staff in the residential and administration programs,
      - i. No formal employee evaluations will be conducted during the first two or last two weeks of the school year.
      - ii. The written summative evaluation will be shared with the employee no less than 5 working days prior to the summative evaluation conference.
      - iii. The written summative evaluation conference will be held with the employee no less than 20 working days prior to the end of the school year.
    - c. Annually for the next two years, before the end of each academic year,
    - d. Once every three years for all subsequent years of employment, as part of a 3 year cycle of evaluation and professional development activities
      - i. Year 1 – formative evaluation to develop job targets for performance improvement.
      - ii. Year 2 – identify professional goals for career track development.
      - iii. Year 3 – summative evaluation to assess job performance.
    - e. Anytime an employee's performance is determined, by the immediate supervisor, to be substandard.

2. The probationary period may be extended for a maximum of 6 additional, consecutive calendar months MOM 3-160 Probation Requirements Policy. A probationary employee may be dismissed at any time during the probationary period whether or not a formal performance evaluation has been conducted.
3. The dismissal of certified staff under permanent employment status shall conform to all procedures outlined in MCA 20.4.204 “Termination of Tenure Teacher Services” and/or MCA 20.4.207 “Dismissal of Teacher Under Contract.”
4. Initiation of formal or informal disciplinary actions under ARM 2.21.6509 is not dependent on completion of the performance evaluation process.
5. The supervisor shall provide a copy of the completed evaluation to the employee and shall provide an opportunity to discuss the evaluation.
6. The original evaluation form shall be signed by the employee and filed with the Superintendent to be placed in the employees’ personnel file. If the employee refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.
7. An employee shall have the right to submit a written response to an evaluation, which shall be retained with the evaluation in the employee’s personnel record. The response shall be submitted to the employee’s supervisor or another person designated in an agency policy within 10 working days of the evaluation.
8. Procedural errors that are subject to the filing of a grievance pursuant to ARM 2.21.8011 et seq., grievances are failure of an evaluator to:
  - a. inform an employee of the performance management plan at the start of an evaluation period or of changes to the plan made during the evaluation period;
  - b. provide an employee with the completed evaluation and any reviewer’s comments; and
  - c. advise an employee of the right to submit a written response.
9. No employee may file a grievance based on the content of a performance management plan, the evaluation or reviewer’s comments.
10. An employee who has not attained permanent status may not file a grievance under ARM 2.21.8011 et seq., involving any aspect of the performance management and evaluation process.
11. Initiation of informal or formal disciplinary actions under the discipline handling policy, ARM 2.21.6509 et seq., is not dependent on completion of the performance evaluation process.

Legal References:

MCA 20.4.204

MCA 20.4.207

MOM sec. 3-0160

ARM 2.21.8011 et seq.

ARM 2.21.6509

ARM 10.55.701

Policy History:

Adopted on: 03-15-02

Revised on: 11-14-14

**MSDB  
PERSONNEL**Personal Conduct 5223

Employees of MSDB are expected to maintain high standards of honesty, integrity and impartiality in the conduct of School business.

In accordance with state law, an employee should not dispense or utilize any information gained from employment with MSDB, accept gifts or benefits, or participate in business enterprises or employment which creates a conflict of interest with the faithful and impartial discharge of the employee's duties at MSDB. An MSDB employee shall, prior to acting in a manner which may impinge on any fiduciary duty, disclose to school administration the nature of the private interest which creates a conflict. Failure to disclose a personal relationship that creates a conflict of interest in carrying out an employee's fiduciary duties will result in disciplinary action, up to and including termination. Care should be taken to avoid using, or avoid the appearance of using, official positions and confidential information for personal advantage or gain.

Further, employees should hold confidential all student information deemed to be not for public consumption as determined by state and federal law and Board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Any employee who disclosed confidential and/or private information learned during the course of the employee's duties or learned as a result of participating in a closed (executive) session of the Board, may be subject to discipline up to and including discharge. Discretion should be employed even within the School system's own network of communication.

Administrators and supervisors may set forth specific rules and regulations governing an employee's conduct on the job within a particular building.

Legal Reference:       §20-1-201, MCA       School officers not to act as agents

Policy History:

Adopted on: 01-10-03

Revised on: 09-12-08

## MSDB PERSONNEL

### Use of Social Media 5224

Purpose: The Montana School for the Deaf and the Blind recognizes that employees and students participate in the use of social media networking tools such as Facebook, MySpace, LinkedIn, Flickr, Blogspot, Youtube, Twitter etc. The creators of these systems and tools have incentives to design their systems so that users are encouraged to reveal as much information about themselves and their friends as possible. Thus, users share personal information such as photos, interests, contact information and their whereabouts. These powerful communication tools can have significant impacts on organizational and professional reputations. Because the systems can blur the line between “personal voice” and “professional voice”, MSDB has crafted this policy to help clarify the potential consequences of social media use as it relates to the workplace and to provide guidelines as to how employees of MSDB can protect their and the School’s professional reputation. This clarification and guidance is especially important as every employee of MSDB is a mandated reporter, responsible for ensuring the highest possible level of protection for students.

Protect confidential and proprietary information: Do not post confidential or proprietary information about the School, personnel, students or their families on social media networks. Employees are expected to adhere to all federal and state requirements regarding FERPA and HIPAA; as well as, all applicable agency privacy and confidentiality policies. Employees who share confidential information will be disciplined up to and including dismissal from employment.

Use of social media for school business: The creation or use of social media sites for school business must be approved by the administration. All content on school approved social media sites must be approved by the superintendent or a designee. **Employees are not permitted to “friend” or engage in any way with students’ personal social media network accounts.**

Use of personal cell phones for school business: **Unless a student’s health or safety is in jeopardy employee contact with students via personal cell phones or text messages must be school related and pre-approved by the Superintendent, Principal or Dean of Student.** Students are to be discouraged from contacting staff via personal cell phones for social purposes. Employees who violate this directive will be disciplined up to and including dismissal from employment.

Personal online activity and connection to the School: Employees’ personal social-networking sites should remain personal in nature and should not be used for work-related purposes. **Users of social media sites should take into consideration the lack of anonymity and exercise sound judgment. Use should reflect positively on the work place.**

Acts occurring in the context of social media during off duty time may be grounds for disciplinary action if said activities are in conflict with Personnel Policy 5223, MSDB Core Competencies, or are detrimental to the employee’s work performance or the programs of the School.



Use of state equipment to access personal social media accounts: While MSDB allows limited personal use of state equipment such as telephones or e-mail pursuant to 2-2-121 (2)(a), MCA employees may not use personal social media accounts from state owned computers. All electronic information stored or transacted on state equipment is subject public disclosure. Messages on MSDB equipment (blackberries, computers, laptops and cell phones) are not private.

Employees using the agency's electronic communication systems should understand that they have no expectation of privacy in connection with use of this equipment or with transmission, use or storage of information in the equipment, including uploaded/downloaded information. The MSDB reserves the right to monitor Internet usage at such times and in such circumstances as appropriate.

Failure to abide by this policy may result in loss of computer network privileges and may also result in disciplinary action, up to and including dismissal.

Cite: 2-2-121(2)(a), MCA  
MOM 30-0180

Policy History:  
Adopted on: 07-12-12  
Revised on:

## **MSDB PERSONNEL**

### Tobacco Free Policy                      5225

The School maintains tobacco free buildings and grounds. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco. Use of tobacco by employees or the public will not be allowed in any buildings or grounds, nor will employees be allowed to use tobacco while on duty. Prohibitions on tobacco use are applicable at all times.

Tobacco products may be permitted in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product.

Under the 2005 amendments to 20-1-220, MCA, revocation of the following provisions of this policy will take place effective August 21, 2005:

1. All designated "Smoking Areas" are eliminated.
2. The "Grandfather Clause" permitting live-in-house parents to smoke within their residence during off-duty hours is eliminated.

Enforcement and penalties for violating any provision of this policy will be in compliance with Section 8, 20-1-220, MCA

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

#### Policy History:

Adopted on: 10-14-92

Revised on: 07-15-05

## **MSDB PERSONNEL**

### Hazing, Harassment, Bullying, Intimidation, Cyberbullying 5226

The Board will strive to provide a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited in the School and Cottages and shall not be tolerated. This includes persistent threatening, insulting, or demeaning gestures or physical conduct, including intentional written, verbal or electronic communication or threats directed against a student or students regardless of the underlying reason. Prohibited behavior is not allowed in the classrooms or cottages or on any school property or at any time or location where the school is responsible for the student including when the student is traveling to or from school or on a school bus or other school related transportation.

#### Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in School business, such as employees of businesses or organizations participating in cooperative work programs with the School and others not directly subject to School control at inter-School and intra-School athletic competitions or other school events.
2. "School" includes School facilities, School premises, and non-School property if the student, employee, or third party is at any School-sponsored, School-approved, or School-related activity or function, such as concerts, award ceremonies, field trips or athletic events, where students, staff, or third parties are under the control of the School or where the employee or students are engaged in School 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 person for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any School-sponsored activity or 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 person; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any willful act which would cause a reasonable individual or group to feel harassed based on unwanted or unwelcome, persistent abusive behavior of a nonverbal, verbal, written, or physical nature, on the basis of age, race, religion, color, creed, national origin, sex, sexual orientation, ancestry, disability, or marital status or that contributes to or creates a hostile or offensive environment in the school or cottages.

5. "Bullying" is unwanted, repeated, aggressive behavior that involves a real or perceived imbalance of power and is any act that substantially interferes with a student's educational benefits, opportunities, or performance. Regardless of the underlying reason(s) bullying or intimidation will not be tolerated on or immediately adjacent to school grounds, at any school/cottage sponsored activity, on school-provided transportation, or 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 or cottage function, and that has the effect of:

- a) physically harming a person or damaging a person's property;
- b) knowingly placing a person in reasonable fear of physical harm to a person or damage to a person's property;
- c) creating a hostile working environment.

6. "Intimidation" includes, but is not limited to, any threat or act intended to tamper with, substantially damage, or interfere with another's person or property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury.

7. "Cyberbullying" is the use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings (including blogs).

All reports of harassment in cyberspace will be investigated fully.

### 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, bullying, or menacing in violation of this policy is encouraged to immediately report his/her concerns to the principal, dean of students, business manager, or the superintendent, who have overall responsibility for such investigations. This report may be made anonymously. Reports of violations of this policy by staff or third parties may use the Uniform Grievance Procedure outlined in the Community Relations Policy 4310 "Public Complaints." A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate official. Complaints against the building principal, dean of students, business manager, shall be filed with the superintendent.

Reports of students violating this policy should be made by staff according to the procedures outlined in MSDB Policy 3300, Progressive Discipline Plan, using the Student Incident Report.

### Investigation of Reports

Complaints against the superintendent shall be filed with the Board. It is the responsibility of the Superintendent or designee to provide timely notification of the findings of investigations and

actions taken to the alleged victim or complainant, parents or guardians of any student named in reports if the student is a minor.

### Responsibilities

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

### Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion in accordance with MSDB Policy 3311. 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 Superintendent 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 References:

§ 45-8-213, MCA Privacy in communications  
 10.55.719, ARM Student Protection Procedures  
 10.55.701 (1)(g), ARM Board of Trustees  
 10.55.801(1)(d), ARM School Climate

Cross Reference:      3226 Hazing, Harassment, Bullying, Intimidation, Cyberbullying  
                              4226 Hazing, Harassment, Bullying, Intimidation, Cyberbullying  
                              4410 Relations with the Law Enforcement and Child Protective Agencies

### Policy History:

Adopted on: 07-12-12  
 Revised on:

**MSDB  
PERSONNEL 5226F**

**Incident Report for Violations of MSDB Policies 3226, 4226, 5226**

**5226F**

**Instructions:**

5. Complete Section I fully.
6. Sign bottom and turn in to the program administration.

**Section 1**

<b>Persons involved:</b>	<b>Date of Incident:</b>
	<b>Time of Incident:</b>
	<b>Location of Incident:</b>
<b>Incident Details</b> Describe what happened. Be specific and objective describing what took place:  What was done to resolve the problem and by whom:  What was the final outcome:  If the incident was an emergency was law enforcement contacted and by whom:	

**Do you feel that further intervention is necessary? Yes \_\_\_ No \_\_\_**

**Signature of person making report and date:**

**Section 2**

**Administrator taking report/date:**

**Board Member contact:**

**Date:**

**By whom:**

**Summary of action taken by whom and when:**

**Date of follow-up communication with person making the report:**

**Policy History:**

Adopted on: 07-12-12

Revised on:

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**MSDB  
PERSONNEL**Drug-Free Workplace 5227

The Montana School for the Deaf and the Blind is committed to a drug-free workplace.

It is the policy of the state of Montana and this School that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by any employee in the workplace is prohibited.

An employee who violates this prohibition is subject to disciplinary action, up to and including discharge, as provided in the Discipline Handling Policy, ARM 2.21.6505 et seq. Disciplinary action may include required participation in an approved drug abuse assistance and rehabilitation program.

This policy statement is adopted in compliance with the Drug-free Workplace Act of 1988 (Publ. L. 100-690, Title V, Subtitle D).

Policy History:

Adopted on: 03-20-89

Revised on:

## **MSDB PERSONNEL**

### Network Acceptable Use – Electronic Information, Services and Networks

5229

#### Overview

MSDB recognizes that as telecommunications and other new technologies shift the ways that information may be accessed, communicated and transferred, those changes may also alter instruction. In a free and democratic society, access to information is a fundamental right of citizenship.

Telecommunications, because they may lead to any publicly available file server in the world, will open classrooms to broader array of resources. Electronic information research skills are now fundamental to preparation of citizens and future employees during an Age of Information. MSDB expects that staff will blend thoughtful use of such information throughout the curriculum and that the staff will provide guidance and instruction to students in the appropriate use of such resources. MSDB requires that all such materials support and enrich the curriculum while taking into account the varied instructional needs, learning styles, abilities and developmental levels of the students.

General school rules for behavior and communications apply to use of the network and Internet access. Network storage is school property. Users should not expect that files stored on servers and workstations will be private. Network administrators may review files and communications to maintain system integrity and to ensure that staff members are using the system responsibly.

Communication over networks should **NOT** be considered private. Messages may sometimes be diverted accidentally to a destination other than the one intended. Electronic mail and telecommunications are to be utilized with care to share confidential information about students or other employees, as messages are not entirely secure. All communications on the network are under the jurisdiction of FERPA. This law states that no one can share confidential information about students or coworkers without permission. Parental permission is required for sharing information and pictures of minors (under 18). Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

MSDB uses filtering software that prohibits access by staff to content that is defined in section 1460 of Title 18 US code as obscene or defined in Section 2256 of Title 18 as child pornography or “harmful to minors”. Our filter technology is up and running at all times. System administrators regularly schedule a check of the system to ensure functionality. MSDB endeavors to block all on-line mail, social media sites including chat rooms, and other forms of direct communication from outside our network to ensure the safety and security of minors. Staff will actively supervise all Internet access and report any sites they observe as being inappropriate to the administration or network manager.

#### Staff Rights and Responsibilities

MSDB expects that all employees will learn to use electronic mail and telecommunications tools



and apply them daily in appropriate ways to the performance of tasks associated with their positions and assignments. MSDB may rely upon this medium to communicate information, and all staff will be responsible for checking and reading messages daily. Toward that end, the Board of Public Education directs the Superintendent to provide staff with training in the proper and effective use of telecommunications and electronic mail.

MSDB encourages staff to make use of telecommunications to explore educational topics, conduct research, and contact others in the educational world. MSDB believes that access to the internet will expedite the sharing of effective practices and lessons and will help staff stay on the leading edge of practice by forming partnerships with others across the nation and around the world.

MSDB expects staff to teach proper computer usage and network/Internet access to the students under their supervision. It is the responsibility of each staff member to observe and supervise his or her students' access to the Internet. The primary purpose of technology is for education. Using entertainment (non-educational programs/arcade-type programs) on the computers should only be utilized for appropriate reasons and/or at appropriate times. For students in the residential program, it is the cottage staff members' responsibility for such guidance as they do with other information sources such as television, telephones, movies, radio and other potentially offensive media.

Employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyrights. The Montana State Ethics Law stipulates that state-owned computers not be used for personal or (outside agency) business reasons.

#### Procedure for Changing or Securing New Passwords

If a staff member forgets or misplaces his/her password, he/she is to report to either the Network Manager or Technology Coordinator to have the password reset. The Network Manager or Technology Coordinator will then reset that person's password and inform him/her of the change. At the next logon, the staff member will enter the password assigned by either the Network Manager or Technology Coordinator, but will be required to change it immediately upon logon, and will not be allowed access to the computer or network until the password is changed.

#### Rules

The following are NOT permitted:

1. Sharing confidential information including pictures, addresses, phone numbers, passwords and financial account numbers
2. Sending or displaying offensive messages or pictures
3. Using obscene language
4. Harassing, intimidating, cyberbullying, insulting or attacking others
5. Using on-line e-mail, social networks, instant messaging or chat rooms
6. Using others' passwords and/or accessing their profiles, folders, documents, or files without permission

7. Using the school's internet through either a wired or wireless connection without a signed agreement form
8. Allowing students to use the internet without supervision
9. Engaging in practices that threaten or disrupt the network or workstation function (e.g., breaking computers, downloading files that may introduce a virus, intentionally wasting network resources, etc.)
10. Unauthorized access including "hacking" and other unlawful activities
11. Employing the network for commercial purposes
12. Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition
13. Promoting, supporting, or celebrating religion or religious institutions

MSDB's internet access has expanded to include wireless access to "outside" internet portals that may not provide the same level of security as the school's secure network. The use of personal equipment including wireless or mobile computers, tablets or cell phones that connect to the internet is allowed with some restrictions and with prior administrative approval. All use of personal, wireless equipment must comply with the rules listed in this policy.

#### Sanctions

1. Violations may result in a loss of access.
2. Additional disciplinary action may be determined at the building level in line with existing practice regarding inappropriate language or behavior.
3. When applicable, law enforcement agencies will be involved.

3310	Student Discipline
5224	Use of Social Media
5226	Hazing/Harassment/Intimidation/Bullying/Menacing
10.55.701 (1)(g), ARM	Board of Trustees
10.55.801(1)(d), ARM	School Climate

#### Policy History:

Adopted on: 10-18-95

Revised on: 11-09-01

Revised on: 07-12-12

## **MSDB PERSONNEL**

### Prevention of Disease Transmission 5230

"There are many diseases carried by blood. The two most common are the Hepatitis B Virus (HBV) and the Human Immunodeficiency Virus (HIV)."

"Bloodborne pathogens can cause infection by entering your body in a variety of ways, including:

- a) open cuts
- b) nicks
- c) skin abrasions
- d) dermatitis
- e) acne
- f) the mucous membranes of your mouth, eyes or nose.

Bloodborne diseases can also be transmitted indirectly. This can happen when you touch an object or surface contaminated with blood or other infectious materials and transfer the infection to your:

- a) mouth
- b) eyes
- c) nose
- d) open skin

Contaminated surfaces are a major cause of the spread of hepatitis. HBV can live on environmental surfaces dried and at room temperatures for at least one week.

All staff who are considered during the performance of their regular duties, to be at risk for excessive exposure to body fluids shall:

- 1) receive the proper series of HBV inoculations
- 2) wear rubber, latex or vinyl gloves
- 3) attend an inservice presented by our registered nurse
- 4) exercise all precautions necessary and appropriate to the situation at hand
- 5) be meticulous in handwashing

Groups who shall have HBV inoculations are:

- 1) nursing
- 2) multihandicapped staff

Those who should consider receiving the inoculations are:

- 1) Preschool Staff
- 2) Housekeeping Staff
- 3) Maintenance Staff
- 4) Other staff working closely with students at risk

The cost of the immunizations will be paid by MSDB. Any employee who does not wish to be immunized, must sign a form stating their refusal.

cite "Bloodborne Pathogens"  
Coastal Video Communications Corp.  
3083 Brickhouse Court  
Virginia Beach, VA

I \_\_\_\_\_ recognize and have been advised completely as to the risk of (HBV) and have been advised to receive the proper series of immunizations.

Please be advised that I will not take the recommended immunizations.

Policy History:

Adopted on: 10-28-94

Revised on:

## **MSDB PERSONNEL**

### Procedures For Personnel and Children Infected With Acquired Imuno Deficiency 5230P Syndrome (AIDS) And Aids-Related Illnesses

The overwhelming preponderance of available medical and scientific opinion indicates there is no evidence that the AIDS virus is casually transmitted in ordinary School, occupational, or social settings. The Montana School for the Deaf and Blind recognizes that any employee suffering from a potentially terminal illness may want to maintain a normal lifestyle including continuing to work for as long as the employee maintains acceptable performance standards and the medical evidence indicates that there is no health or safety threat to the other employees or students.

The City County Health Department has assumed responsibility to provide information regarding the communicability to others of any known infected child's or employee's condition and reporting changes to the Superintendent and other appropriate School officials, in the event that a student or employee presents a health or safety threat to other students or employees. Therefore, the following policies and procedures, designed to serve as a basis for making decisions regarding infected persons, will be followed by M.S.D.B.

#### **1. EMPLOYEES**

- a. School policies relating to life, health and disability benefits will apply to all regularly insured employees as required by law.
- a. School employees or potential employees known to be infected with AIDS and AIDS-related illnesses will follow procedures required by law and those required by the School.
- b. School employees who have responsibility for clean-up and disposal of blood or body fluids will discharge that responsibility while taking the proper medical precautions, treating each student as if they had AIDS or an AIDS-related illness. Proper safety equipment required for these precautions shall be provided by the School and utilized by the employees.
- c. School employees with questions about this policy, its interpretation or the information upon which it is based, are instructed to contact the Superintendent.

#### **2. STUDENTS**

- a. Any child with AIDS or an AIDS-related illness who is known to or reported to employees of the School, shall be reported by name immediately to the Health Officer, Director of Nursing, or STD Program Coordinator at the City-County Health Department, in compliance with procedures required by law.
- b. A child with AIDS or an AIDS-related illness shall be allowed to attend School and

to participate fully in programs and activities offered by the School, as long as physically, emotionally and mentally capable and the medical evidence indicates that there is no health or safety threat to the student or to others.

- c. Based on individual circumstances special programming may be warranted. If warranted the School shall provide appropriate services as required by law.
- d. An infected child's parent(s) will be notified when a communicable disease (e.g. measles or chicken pox) occurs at the School which would be threatening to the AIDS infected child, so that the infected child may be excluded from School during the outbreak.

### 3. EDUCATION

- a. The School, whether AIDS infected employees or children are involved or not, shall take steps as determined by the Superintendent to educate parents, students and School employees regarding AIDS, how it is transmitted and not transmitted, and how best to contain it from spreading.

### 4. GENERAL

- a. Steps will be taken to protect the confidentiality of a School employee or student with AIDS or AIDS-related infection. All medical information obtained from or about employees or students with AIDS or any of its related conditions will be treated with confidentiality in compliance with the law. Employees involved in breaches of confidentiality shall be subject to disciplinary action.
- b. School employees or students who engage in a refusal to work, or attend School, or to withhold their services for fear of contracting the disease by working with an AIDS infected person, will be subject to disciplinary action.
- c. No special consideration for transfer requests will be made for employees or students who feel threatened by co-workers or students with AIDS-related conditions.

#### Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Personnel Records 5231

The Montana School for the Deaf and the Blind will maintain a personnel file in the office of the Superintendent for each employee it employs.

The Superintendent shall be the records manager for personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of personnel files. He may, however, designate another official to perform the duties of the records manager for him.

The records manager is responsible for granting or denying access to records.

### Employee Access to His/Her Personnel File

An employee may have access to his/her own personnel file at all reasonable times, i.e. during regular office hours.

The right to access includes the right to make written objections to any information contained in the file. Any written objections must be signed by the employee, and it shall become part of the personnel file.

### General Access to the Employee's Personnel File

Access to an employee's personnel file may be given to the following persons without the consent of the employee:

The Superintendent and his staff maintaining the file, the principal or the dean of students (as appropriate), and the employee's supervisor.

No other person may have access to the employee's personnel file except under the following circumstances:

1. When the employee gives written consent to the release of his records. The written consent must specify the records to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for release of information shall not be accepted.
2. When subpoenaed or under court order.
3. When an employee's competency or job performance becomes an issue in any personnel action, and then only to attorneys or representatives of the employee and MSDB or the Board of Public Education who are or will be involved. This access in no way authorizes these persons to in any way grant access to these records to any individual.
4. When MSDB receives a request for an employee personnel record or for information contained in a record, the Superintendent/staff shall balance the employee's right of privacy and the public's right to know on a case-by-case basis. The Superintendent/staff may release

otherwise confidential information when the balancing test and the requirements of Montana Human Rights Division v. City of Billings (1982) 199 Mont. 434, 649 P.2d 1283, are met.

5. The balancing test is composed of the following steps:
  - (a) determine whether a matter of individual privacy is involved;
  - (b) if a privacy interest exists, determine the demands of that privacy and the merits of publicly disclosing the information at issue, and
  - (c) decide whether the demands of individual privacy clearly outweigh the demands of public disclosure.

In conducting the balancing test, the following requirements shall be met:

- (a) a showing of relevance and need;
  - (b) seeking of information through less intrusive means, and
  - (c) reduction of non-relevant or particularly sensitive matters.
6. The Americans with Disabilities Act of 1990 (ADA) provides that information regarding medical examinations or inquiries is a confidential medical record which must be collected and maintained on separate forms in separate files from employee personnel records. Access is restricted to supervisors and managers when identifying restrictions on the employee's work or duties or identifying necessary accommodations; first aid and safety personnel, when appropriate, if the disability might require emergency treatment, and on request from government officials investigating compliance with the ADA.

#### Additions to the Evaluation Section of the Personnel File

No complaint, commendation, suggestion, or evaluation may be placed in the employee's file unless the comment is signed by the person making the complaint, commendation, suggestion, or evaluation.

#### RULE I PUBLIC OR CONFIDENTIAL STATUS OF EMPLOYEE PERSONNEL RECORDS

- (1) An employee's name, position, title, dates and duration of employment and salary are public information and shall be released on request. The Superintendent or other official may not require justification for the request. The Superintendent or other official may require that the request be in writing.
- (2) Confidentiality of employee/applicant information supplied during the recruitment process is determined as provided in Rule II.
- (3) Employee/applicant information which always is confidential and therefore not subject to the balancing test described in Rule I, includes, but is not limited to:
  - (a) medical records;
  - (b) social security numbers;
  - (c) documentation of a claim of employment preference, including the DD-214 for veteran's preference and certification by the Department of Public Health and Human Services for handicapped preference,
- (4) Other employee personnel records are considered confidential and subject to the balancing test. Requests for confidential employee personnel records are subject to the procedure and



requirements provided for in ARM 2.21.6611.

## RULE II RECRUITMENT AND SELECTION INFORMATION

- (1) Information provided by job applicants on the state of Montana employment application is public information, except the social security number and the applicant survey, unless at the time of application, an applicant requests that the information remain confidential.
- (2) During recruitment, a department may identify in advance and notify applicants of a point in the process where confidentiality of the information is waived. Typically, this notification would be included in the job vacancy announcement for a position. This waiver could cover the complete process, be at the point applicants are selected for interview, identified as finalists for the position or any other point the department chooses. An applicant who declines to have information released shall be considered to have voluntarily withdrawn from the selection process.
- (3) Supplemental information which is submitted as part of the application process shall be confidential, for example, documentation in support of a claim of employment preference, resume, transcript, personal references, work samples or responses to supplemental questions.
- (4) When a current or former employee applies for other employment, a person who has access to the employee's personnel record may rely on information in it to respond to a request for employment information, such as a reference check or background investigation. The information may be provided without obtaining prior approval from the employee. A department shall apply the balancing test described in this sub-chapter to respond to requests to view specific paper or electronic employee personnel records in which an employee has a reasonable privacy interest. (Auth. 2-18-102 MCA; Imp. 2-18-102 MCA)

2.21.6622 CLOSING (1) This sub-chapter shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

### Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Abused And Neglected Child Reporting 5232

An MSDB employee who has reason to suspect that a student may be an abused or neglected child shall report such a case of the Montana Department of Family Services by calling 1-866-820-5436. The employee shall immediately notify the Superintendent, principal or dean of students that a report has been made and will be asked to complete MSDB form 5232F, Report of Suspected Child Abuse or Neglect. An employee does not discharge the obligation to personally report by notifying the Superintendent, principal or dean of students.

Any MSDB employee who fails to report a suspected case of abuse or neglect to the Department of Family Services, or who prevents another person from doing so, may be civilly liable for the 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.

In the event a student over the age of eighteen years reports a home condition that may require protective care, the student should be helped to contact a law enforcement officer for advice, and should be informed that she/he may go in person to the Cascade County Department of Public Health and Human Services to request assistance.

#### **Legal Reference:**

§41-3-201, MCA	Reports
§41-3-202, MCA	Action on reporting
§41-30203, MCA	Immunity from liability
§41-3-205, MCA	Confidentiality – disclosure exceptions
§41-3-207, MCA	Penalty for failure to report

#### **Policy History:**

Adopted on: 03-15-02

Revised on:

**MSDB  
PERSONNEL**

Report of Suspected Child Abuse or Neglect 5232F

*Original to: Department of Family Services*

*Copies to: Superintendent/Principal or Dean of Students*

From: \_\_\_\_\_ Title: \_\_\_\_\_

*The above information does not have to be disclosed on this form*

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

Persons contacted: ☐ Superintendent ☐ Principal ☐ Dean of Student ☐ Teacher ☐ School Nurse  
☐ Other

Name of Minor: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of Report: \_\_\_\_\_ Student's Attendance Pattern: \_\_\_\_\_

Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Step Parent/

Guardian: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Any suspicion of injury/neglect to other family members: \_\_\_\_\_

Nature and extent of the child's injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused or neglected:

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Previous action taken, if any: \_\_\_\_\_

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Name of Social Worker or Intake Worker taking the report: \_\_\_\_\_

Follow-up meeting or notes: \_\_\_\_\_

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Policy History:

Adopted on: 03-15-02

Revised on:

## **MSDB PERSONNEL**

### Resolution of Staff Complaints/Problem Solving 5240

Any employee who believes that the Board of Public Education or its agents have violated their rights guaranteed by the State or Federal constitution, State or Federal statute, or Board policy may seek complaint resolution as outlined in Montana Operations Manual, Volume III, Policy 3-0125 "Grievances". It is the objective of this policy to provide minimum standards for the procedure to be used to adjust grievances filed by eligible employees.

The Montana School for the Deaf and the Blind will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The request of an employee to prompt and equitable resolution of the complaint filed outside of MOM, Policy 3-0125 shall not impair the employee's pursuit of other remedies. Use of the grievance procedure as outlined in Grievance Procedure, 2.21.8017, ARM, is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

It is the policy of the state of Montana that employees who have attained permanent status may file a grievance as provided in these rules, unless the employee is covered by a grievance procedure provided under a collective bargaining agreement or a statutory grievance procedure.

Incidents of sexual harassment must be reported using the procedure in MSDB Policy 5012 Sexual Harassment/Intimidation in the Workplace, also found at ARM 2.21.1305 (also found at policy 3-0620, Montana Operations Manual, Volume III).

Incidents that are alleged to be in violation of the Americans with Disabilities Act (ADA) of 1990 must be reported using an ADA complaint resolution procedure if such a procedure has been adopted by a department. Otherwise, the employee shall proceed under this policy.

A job classification appeal must be resolved through the procedure adopted by the Board of Personnel Appeals at ARM 24.26.501 et seq., and may not be filed under any other grievance procedure.

Nothing in this policy precludes an employee who is alleging unlawful discrimination from concurrently exercising any statutorily-protected right to timely file a complaint with a civil rights enforcement agency.

*The Montana School for the Deaf and the Blind is an Affirmative Action/Equal Opportunity Employer (EOE). MSDB will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, disability, age, religion, ancestry, union membership or any other legally protected classification. Announcement of this policy is in accordance with state and federal laws, including Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.*

*Employees and participants who have an inquiry or complaint of harassment or discrimination, or who need information about accommodations for persons with disabilities, should contact the School Compliance Officer and Title IX/EEO Coordinator, Montana School for the Deaf and Blind, 3911 Central Avenue, Great Falls, Montana 59405. Phone (406) 771-6000.*

Legal Reference:	3-0125, MOM	Grievances
	2.21.8017, ARM	Grievance Procedure
	2.21.1305, ARM	Sexual Harassment Prevention Policy History
	ADA, 1990	Americans with Disabilities Act
	24.26.501, ARM	Wage and Classification Appeals
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: 11-15-03

Revised on: 5-11-06

Revised on: 11-14-14

## **MSDB PERSONNEL**

### Reduction In Force 5256

Reduction in force (RIF) refers to a personnel action resulting in an employee being laid off from his or her position for non-disciplinary reasons. The RIF may become necessary for reasons including, but not limited to: elimination of programs; reduction in FTE's by the legislature; reduction in number of students served; lack of funds; expiration of grants; or reorganization.

RIFs affecting School personnel covered by a collective bargaining agreement, which specifies the RIF procedure to be followed, will be conducted in accordance with the collective bargaining agreement.

In the event a RIF affecting School personnel not covered by a collective bargaining agreement is necessary, consideration will be given to the programs to be carried out by the School and the staffing pattern which, after the RIF, will most expeditiously achieve program objectives (see M.O.M. Policy 3-0155). Employees will be considered for retention in terms of skill and length of continuous service in the School.

Skill means an assessment of: (1) qualifications and experience to perform the duties of a specific position which will be retained; (2) general qualifications and experience beneficial to future achievement of School goals and objectives; (3) the performance on specific, related tasks to those required by the position which will be retained; (4) general performance history. If skill does not differentiate between employees being considered for retention, then length of continuous service to the School will be considered.

Employees with permanent status and satisfactory job performance who are subject to lay-off and are qualified to fill a vacancy shall be given first consideration for the vacant position.

An employee to be laid off will be notified in writing by the Superintendent as much in advance of the anticipated action as possible and must be given written notice a minimum of 10 working days preceding the effective date of the lay-off.

An employee who has been laid off will be given preference for reinstatement or rehire for a period of one calendar year from the date of termination. The School shall maintain a roster of employees who have been laid off and offer reinstatement on a "last-out/first-in" basis by skill match and job classification. An employee shall be reinstated to the same position or a position in the same class when such a position becomes vacant if such vacancy occurs during the employee's preference period. Specific reinstatement offers shall be made to the employee in writing. The employee must accept or reject the reinstatement offer in writing within 5 working days following receipt of the offer. If a reinstatement offer is rejected by the employee, the employee loses all rights to the employment offered. The School is no longer required to reinstate or grant preference to a laid-off employee who has rejected a previous reinstatement offer. Such rejection ends the preference period.

Upon recall from a lay-off or upon placement of an employee during the preference period necessitated by a lay-off, the employee's salary shall be determined as if the employee had never been laid off. The employee need not serve the qualifying period for use of annual leave and sick leave.

An employee who is reinstated to a grade lower than the one held at lay-off will be treated as a voluntary demotion. The employee will receive the same step as the position from which he was laid-off at the grade assigned to the new position.

If an individual is reemployed by the School after the preference period has expired, that individual's salary shall be step 1 of the assigned grade. Further, the employee must begin anew earning time toward the qualifying period for annual leave and sick leave.

Lay-off shall not be used as an alternative to discharging an employee for cause or disciplinary purposes. Unsatisfactory employees will be terminated subsequent to complete and appropriate evaluation, review and documentation.

If the lay-off is anticipated to last longer than 15 working days, the employee will be terminated. Upon termination due to reduction in work force, the employee may cash out accumulated annual leave and sick leave and may cash out retirement contributions or the School may allow the employee to maintain accumulated annual leave and sick leave for a period of one calendar year from the date of lay-off, even though terminated. An employee must receive cash out for accrued leave credits at the end of the preference period or if hired by another agency, unless the hiring agency agrees to assume the liability for the accrued leave credits.

The lay-off policy described above applies to permanent, full or part-time employees, and does not apply to seasonal employees whose employment is regularly interrupted by the seasonal nature of their work or to temporary employees with a specific employment period.

Legal Reference:       MOM 3-0153Reduction in Work Force  
                              ARM 2.21.5001-5011

Policy History:

Adopted on: 10-14-92

Revised on:



**MSDB  
PERSONNEL**Employee Absences 5320

It is the responsibility of each employee to notify their supervisor or department head whenever they are unable to report to work. If the supervisor or department head is unavailable, they should report directly to the Superintendent or other administrator in charge.

If an employee fails to report to his immediate supervisor or the Superintendent, he/she will be subject to disciplinary action.

Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Leaves of Absence 5321

#### Sick and Bereavement Leave

Exempt and classified employees will be granted sick leave according to terms of the Montana Operations Manual 3-0310 and any applicable collective bargaining agreement. "Sick leave" is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee's immediate family including an employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild, or corresponding in-law.

Sick leave may include the time that an employee is unable to perform job duties because of:

- (a) time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;
- (b) maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- (c) parental leave as provided in 2-18-606, MCA;
- (d) quarantine resulting from exposure to contagious disease;
- (e) examination or treatment by a licensed health care provider;
- (f) short-term attendance to an immediate family member or, at an agency's discretion, another relative due to physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- (g) necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993;
- (h) death or funeral attendance of an immediate family member or, at the superintendent's discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The School will judge each request in accordance with this and applicable State 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.

#### Personal and Annual Leave

Employees will be granted personal or annual vacation leave according to terms of the current collective bargaining agreement and MOM 3-0305. As provided in 2-18-616, MCA, "the dates when employees' (personal) annual vacation leaves shall be granted shall be determined by agreement between each employee and his employing agency, with regard to the best interests of the state...as well as the best interests of each employee." Where the interest of the School requires the employee's attendance, the School's interest overrides the employee's interest. However, as provided in 2-18-617, MCA, the agency must provide reasonable opportunity for an employee to use rather than forfeit accumulated vacation leave.

Upon approval of an employee's immediate supervisor, and in accordance with State and School policy, an employee may be granted personal/annual vacation leave pursuant to the following conditions and procedures:

1. A "Leave Request/School Related Duty" form must be completed and submitted by the employee to his/her immediate supervisor at least 10 working days prior to the desired date of the leave. The request must be approved and signed by the supervisor.
2. Approved leave will be granted in minimum units of one-half hour.

### Jury Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the School all juror and witness fees and allowances (except for expenses and mileage). The School 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 USC 2000e Equal Employment Opportunities  
                               § 2-18-601(10), MCA Definitions  
                               § 2-18-606, MCA Parental leave for state employees  
                               § 2-18-616, MCA Definitions of vacation dates  
                               § 2-18-617, MCA Accumulation of leave  
                               § 2-18-618, MCA Sick leave  
                               § 49-2-310, MCA Maternity leave – unlawful acts of employers  
                               § 49-2-311, MCA Reinstatement to job following pregnancy-related leave of absence  
                               MOM 3-0310 Sick leave  
                               MOM 3-0305 Annual vacation leave  
                               MOM 3-0322 Jury duty and witness leave

### Policy History:

Adopted on: 05-11-06

Revised on:

**MSDB  
PERSONNEL**Employee Leave During School Closure Inaccessibility 5323

When the School is temporarily closed by the Superintendent or declared inaccessible because of severe weather, civil disturbance, loss of utilities or other disruption, affected employees shall be authorized administrative leave with pay to cover their scheduled hours of work during the closure or inaccessibility.

An employee who works at the School during such closure (with administrative approval) shall be, in addition to regular salary, granted time off equal to the number of hours worked. If overtime is involved, it shall be compensated as provided by law.

When a severe storm or other major disruption occurs during the day and the Superintendent or designated representative authorizes early release of employees, the resulting time off shall be charged to administrative leave with pay.

It is each employee's responsibility to make the decision if it is too dangerous to come to work due to severe weather, civil disturbance, loss of utilities, or other disruption. If an employee chooses to stay home and the Superintendent does not close the school, the employee will be granted personal leave, vacation leave, or leave without pay depending on the leave they have available.

Policy History:

Adopted on: 10-14-92

Revised on:

## **MSDB PERSONNEL**

### Student Teachers/Interns 5440

The School recognizes its obligation to assist in the development of members of the teaching profession. The School 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 School 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 the principal and/or dean of students so that excessive concentrations of student teachers and interns shall be avoided.

If space is available in the cottage and on the approval of the dean of students, student teacher/interns may live in the cottage facility at no charge while they are completing their teaching/intern assignment. While in the cottage student teacher/interns must comply with all rules and regulations established by the dean of students.

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 school policy regarding background checks, if the student teacher has unsupervised access to children.

Cross Reference: PERSONNEL 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: 07-16-04

Revised on:

## **MSDB PERSONNEL**

### Professional Development 5600

In accordance with the commitment of the Board of Public Education and the requirements of A.R.M. 10.55.714 for professional development of School personnel, all employees will have opportunities to participate in short-term, job-related training programs for the purpose of upgrading skills. When M.S.D.B. requires the training, all costs of the programs will be covered by the School. However, the School does not pay costs involved for teachers to secure or maintain certification or endorsements.

The Board shall establish an advisory committee to evaluate the school's current school year professional development plan; and develop and recommend a plan for the subsequent school year.

1. The advisory committee shall include, but not be limited to trustees, administrators, and teachers. A majority of the committee shall be teachers.
2. Each school year the Board shall adopt a professional development plan for the subsequent school year on the recommendation of the advisory committee.
3. The plan recommended by the advisory committee and adopted by the Board shall outline how, when, and from whom the teachers and specialists shall meet their professional development PIR day expectations.
4. The plan adopted by the Board must take into consideration the advisory committee's recommendations and include two professional development days in October which the school must close in order to permit teachers and specialists to attend the annual professional development meetings of state professional associations.
5. The adopted plan may include alternatives but shall not interfere with or prohibit teacher and specialist attendance at the annual October professional development meetings of state professional associations.
6. Teachers and specialists who do not attend the annual professional development October meetings of state professional associations or school approved alternative professional development PIR days shall not be paid for the days they are absent.
7. Teachers, specialists, administrators, and school districts shall not substitute for professional development PIR days purposes professional development opportunities not specifically outlined in the school district's adopted professional development plan.
8. The Board shall make their plan available to employees and the public.

Legal Reference: 10.55.714, ARM

#### Policy History:

Adopted on: 10-14-92

Revised on: 11-14-14

## **MSDB PERSONNEL**

### Employment and Training Requirements for Paraprofessionals 5620

Paraprofessionals need not be certified, however those assigned to work with special education students must be supervised by a teacher or professional designated as primarily responsible for instructional planning.

The supervising teacher must have regularly scheduled communication and direction with the paraprofessional and not delegate activities that require professional skill, knowledge or judgment.

For paraprofessionals to be considered for employment, they must meet the rigorous standard of assessment as outlined in the No Child Left Behind Act, Section 1119. Paraprofessionals must demonstrate for each of the following Core Knowledge and Skills:

- an understanding of the distinctions between the roles and responsibilities of certified/ licensed staff and paraprofessionals;
- an ability to provide positive behavioral support and management;
- an ability to practice ethical and professional standards of conduct, including the requirements of confidentiality;
- a knowledge of (a) patterns of human development and milestones typically achieved at different ages, and (b) risk factors that may prohibit or impede typical development;
- an ability to motivate and assist students to (a) build self-esteem, (b) develop interpersonal skills that will help them avoid isolation in different learning and living environments, and (c) strengthen skills to become more independent by monitoring and controlling their behavior;
- an ability to follow the health, safety, and emergency procedures of the agency where they are employed;
- an ability to use appropriate technology and equipment;
- an ability to provide special care or physical assistance; and
- an ability to utilize appropriate strategies and techniques to provide instructional support in a variety of settings.

The following conditions also apply to paraprofessionals hired after the date of enactment of the new law, which was January 8, 2002:

1. To be considered for employment as a paraprofessional, the applicant must have:
  - 1) completed 2 years of study at an institution of higher learning, or
  - 2) obtained an associate or higher degree, or
  - 3) completed an Assessment of Basic Skills demonstrating competency in areas of reading, writing and math.
2. Structured interview questions, as well as the results from the Assessment of Basic Skills, will be used as an initial screening device to assess the level of competency of



paraprofessionals in meeting each of the standards for the Core Knowledge and Skills.

3. If the paraprofessional meets the minimum competencies of the Assessment of Basic Skills and the structured interview, he/she will be hired contingent on completing an orientation and continued professional development to meet standards. The supervisor will verify those competencies that the paraprofessional meets by signing the interview form and initialing each skill or knowledge the paraprofessional demonstrates.
4. Orientation (using the *OPI Resource Guide for Administrators, Educators and Instructional Aides*) will be given within the first 2 weeks of employment to formally assess entry level requirements for the standards of Core Knowledge and Skills.
5. ☐ Ongoing Professional Development will be provided to assist new and existing paraprofessionals to meet the advanced requirements of the Core Knowledge and Skills. All existing paraprofessionals have four years to meet the following requirements by January 8, 2006:
  1. The attached standards will be used as a portfolio/ competency checklist by existing paraprofessionals. Paraprofessionals will keep a portfolio of information that demonstrates the paraprofessional has met the standards. This can be demonstrated through participation in a class, interview with the paraprofessional, or demonstration by the paraprofessional of those competencies and/or portfolio.
  2. Assessment of academic skills in the area of reading, writing, and math will need to be completed for those paraprofessionals who have not met the requirement of 1) completed 2 years of study at an institution of higher learning OR 2) obtained an associate or higher degree.
  3. The supervisor is responsible to verify that the paraprofessional has met the standard. Some kind of verification should be included in the paraprofessional portfolio to verify that the paraprofessional has met each standard.
  4. Ongoing Professional Development will be provided to assist existing paraprofessionals to meet the standards for Core Knowledge and Skills.

Legal Reference:       ARM 10.55.715  
                               NCLB § 1119 Qualifications for teachers and paraprofessionals

#### Policy History

Adopted on: 11-16-03

Revised on:

**MSDB  
PERSONNEL****Employment and Training of Non-licensed Substitute Teachers 5625**

Any non-licensed substitute teacher must complete a minimum of three hours of training, as approved by the Board of Public Education. This training will consist of:

- 1 hour - Orientation to campus programs and safety policies and procedures
- 1 hour - Orientation to classroom procedures
- 1 hour - Orientation to lifting, positioning and feeding of multi-handicapped students

An non-licensed substitute must have received a high school diploma or attained a passing score on the general education development assessment.

A fingerprint background check must be conducted on each non-licensed substitute teacher and the teacher cannot be employed until state and federal authorities have reported the results of the background check or until the School has conducted a reference check of the applicant.

Legal Reference: ARM 10.55.716

**Policy History:**

Adopted on: 11-16-03

Revised on:

**MSDB  
PERSONNEL**Student Supervision 5700

It is a policy of the Montana School for the Deaf and the Blind that the care and supervision of the students is the responsibility of their assigned adult supervisors. This responsibility is never to be relinquished by an employee to a student.

This policy affects both the academic and residential components of the School and includes both on and off campus events.

As clarification, at no time will a student or group of students be held solely responsible for:

1. escorting students from one area to another; i.e. between buildings or departments
2. accompanying and/or supervising a student or group of students to the restroom
3. supervising a student or group of students when an adult is not present

Staff members are not permitted to assign students to work with other students under any circumstance. Programs of this nature must be authorized by MSDB administrative staff prior to their inception.

When a student is performing a service involving other children as part of a preestablished and administratively sanctioned job for which the student is being paid, it is required that the performance of that job remain within the direct visual or physical supervision of an employee at all times.

A teacher shall not, at any time, leave students unattended (without adult supervision) in his/her classroom.

Policy History:

Adopted on: 03-05-97

Revised on:

**MSDB  
PERSONNEL****Employee Contact With Students** 5701

It is the responsibility of the Montana School for the Deaf and the Blind to provide a positive and nurturing environment for the students who attend School and reside on the MSDB campus. The School recognizes that positive relationships between staff and students are critical for successful communication, instruction and mentoring. The School also recognizes that all students and their families have certain guaranteed rights to privacy, and those unique relationships between students and MSDB staff exist only because the student has been placed at MSDB under an IEP. In the absence of that placement, no faculty or staff would have access to a student. The School also recognizes that all students must be provided equal access to social and recreational activities by MSDB's programs, faculty and staff. Under these unique conditions, the School may choose to exercise control over the interaction that faculty and staff have with students both inside and outside of their assigned work schedule.

All staff is prohibited from taking students to, or supervising students at, any home or residence which is not controlled by a parent or guardian, or where a parent or guardian is not present.

All staff must receive prior approval from the administration before asking a parent for permission to invite a student to join them in off-campus activities, outside of their scheduled work hours and before inviting the student to do so.

Parents or guardians must authorize all contact between off-duty faculty or staff and students.

The administration may deny parent authorized contact between faculty/staff and students, in off-campus activities outside of their scheduled work hours when that contact may be disruptive to the residential or education programs or when the administration believes that such contact may not be in the best interest of any student.

**Policy History:**

Adopted on: 03-15-02

Revised on:

**MSDB  
PERSONNEL**Use of Force/Abuse 5710

Ensuring the health, safety and security of the students enrolled at MSDB is the paramount concern of everyone employed by the School. To this end, every employer who has regular supervised or unsupervised contact with students will be familiar with and comply with the procedures outlined within the "progressive discipline plan" contained in the "MSDB Student Handbook". This plan is designed to provide students and staff opportunities to work cooperatively to promote student behaviors necessary and conducive to learning in a positive learning environment.

Physical or psychological abuse or neglect, as defined in MCA 41-3-102 and MCA 45-5-625, which is inflicted on a student for the purpose of intimidation or coercion, constitutes "Abuse of Force". In no case will faculty or staff utilize an abuse of force to obtain compliance of a student with any directive. In the event that a student demonstrates noncompliant, disrespectful and/or disorderly behavior, faculty and staff are to refer the student to their immediate supervisor for progressive disciplinary action.

Faculty or staff may use physical restraint, intervention techniques or force only in cases when by his/her actions, a student poses a clear and present danger to him/herself or others or to protect property from serious harm. Only in these instances may a faculty or staff member use physical force or restraint to protect herself/himself, another student or another staff member, or to protect property from serious harm as defined in MCA 20-4-302.

When physical restraint is necessary to protect students from injuring himself or others, an administration approved program of restraint techniques will be utilized. Faculty and staff will receive appropriate training before being allowed to use restraint techniques.

If a faculty or staff member is unfamiliar with, untrained or uncomfortable in utilizing approved techniques, he/she must request immediate assistance from an administrator or employee trained to utilize restraint techniques.

In the event that a faculty/staff member uses physical force against a student for any reason, the immediate supervisor or an administrator is to be notified immediately, and a written summary is to be prepared by the employee and submitted to the administration before the end of their scheduled duty day.

Any employee who doesn't have regular supervised or unsupervised contact with students is to avoid any interaction with a noncompliant, disrespectful or disorderly student and is to make an immediate report to their supervisor or administrator.

Any faculty or staff member found to have subjected a student to physical force for any reason other than to protect the student from harming himself or others will be subject to disciplinary action up to and including termination.

Faculty and staff discovered to have subjected any student to any form of abuse; sexual, physical or psychological will be reported to the Department of Public Health and Human Services and/or local law enforcement for investigation as outlined in MCA 41-3-201.

Any faculty /staff reported for investigation is subject to immediate suspension and possible termination pending the outcome of any investigation.

Legal Reference:                      MCA 45-5-625, Sexual abuse of children  
   MCA 41-3-102, Definitions  
   MCA 20-4-302, Discipline and punishment of pupils  
   MCA 41-3-201, Child abuse and neglect, reports

Policy History:

Adopted on: 03-15-02

Revised on:

## **MSDB PERSONNEL**

### Use of Physical Restraint 5710P

Faculty or staff may use physical restraint, intervention techniques or force only in cases when by his/her actions, a student poses a clear and present danger to him/herself or others. Only in these instances may a faculty or staff member use physical force or restraint to protect himself, another student or another staff member from serious harm as defined in MCA 20-4-302.

In this statute there are 6 reasons identified in which a School employee may use restraint on a student: 1) to stop a fight 2) to protect oneself 3) to protect a student or to protect one student from another, 4) to take a weapon or dangerous object from a student, 5) to move a student from one area to another, and 6) to protect School property. Using force or restraint is clearly justified with reasons 1, 2, 3, and 4, which constitute emergency situations. It is less clear when a teacher, cottage life attendant or other staff person would be justified in using force to move or redirect a student or to protect property, which are not emergency situations, when the use of force could result in injury to the student or the staff person.

Any adult who uses restraint or force on a student runs the risk of being charged with a misdemeanor, under MCA 20-4-302 section 7, or being held liable, in a civil case under MCA 20-4-302 section 8, for assault or physical abuse if it is found by a jury that the restraint or force was unnecessary or unreasonable.

### Procedure

- 1) To protect everyone, students and staff alike, teachers, teacher assistants, cottage life attendants, or other staff WILL NOT put their hands on, use physical restraint, or use other force on a student to: 1) relocate a student or 2) protect property.
  - a) When a student needs to be relocated or restrained from leaving an area or restrained to prevent the destruction of property the staff or faculty is to immediately call a supervisor or administrator or the education, cottage or administrative office for assistance.
  - b) An emergency number will be provided to staff or faculty so that they can contact the on-duty supervisor for assistance.
  - c) If the on-duty supervisor does not respond, staff or faculty are to contact the education, cottage or administrative office for assistance.

While waiting for assistance, staff or faculty are to:

- i) Clear the area of other students if the offending student's behavior is posing a potential risk to others.

- ii) Give the offending student space and disengage in communicating with the student.
  - iii) Seek assistance from another staff person, in the immediate area, to monitor the student while waiting for the on-duty supervisor.
  - iv) Attend to the other students after assistance has arrived.
- 2) To protect everyone, students and staff alike, teachers, teacher assistants, cottage life attendants, or other staff MAY use reasonable or necessary physical restraint to protect a student from harming him/herself, other students or staff, or the staff member.
  - a) This includes instances whereby allowing the student to leave an area the student places him/herself in danger or by allowing the student to destroy property the student is at risk of hurting him/herself or others.
    - i) When physical restraint is necessary to protect students from injuring himself or others, a program of administration approved techniques i.e. the Mandt System, David Mandt and Associates, will be utilized. Faculty and staff will receive appropriate training before being allowed to use restraint techniques.
    - ii) If a faculty or staff member is unfamiliar, untrained or uncomfortable in utilizing approved techniques, he/she must request immediate assistance from an administrator or employee trained to utilize restraint techniques.
  - b) In the event that a faculty/staff member uses physical force against a student for any reason, the immediate supervisor or an administrator is to be notified immediately and a written summary is to be prepared by the employee and submitted to the administration before the end of their scheduled duty day.
  - c) Any employee who does not have regular supervised or unsupervised contact with students is to avoid any interaction with a noncompliant, disrespectful or disorderly student and is to make an immediate report to their supervisor or administrator.

Legal References: MCA 20-4-302. Discipline and Punishment of Pupils

Policy History:

Adopted on: 03-15-02

Revised on:



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## **MSDB ADMINISTRATION**

### Goals 6000

The administrative staff's primary functions are to manage to School and to facilitate the implementation of quality educational and residential programs and outreach services. It is the goal of the Board that the administrative organization:

1. provide for efficient and responsible supervision, implementation, evaluation and improvement of the instructional, residential and outreach programs, consistent with the policies established by the Board;
2. provide effective and responsive communication with staff, students, parents, constituents in the public schools and other citizens; and
3. foster staff initiative and rapport.

The School's administrative organization shall be designed so that all programs and departments of the School are part of a single system guided by Board policies which are implemented through the Superintendent. The Principal, Dean of Students, Outreach Director, Business Manager and other Supervisors are expected to administer their facilities in accordance with Board policy and the Superintendent's rules and procedures.

Duties and qualification of administrative personnel employed by the school are delineated in position descriptions which form the basis for professional development plans and staff evaluations. Position descriptions are reviewed on a regular basis by the administration to ensure that they accurately represent the qualifications and skills of staff needed to meet the needs of students served by the education, residential, and outreach programs, and business services. Opportunities for staff development should be planned and provided on a regular basis.

Legal Reference: 10.55.714, ARM

### Policy History:

Adopted on: 07-16-04

Revised on: 11-14-14

## **MSDB SUPERINTENDENT**

### Superintendent 6110

#### Duties and Authorities

The Superintendent is the School's executive officer and is responsible for the administration and management of the School's education and residential programs, in accordance with Board policies and directives and state and federal law. The Superintendent shall prepare and submit reports and other information requested by the Board and pursue professional and technical contacts that will contribute information and guidance toward effective and efficient operation of the School. The Superintendent is authorized to develop procedures to implement Board policy and to delegate duties and responsibilities. Delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action which was delegated.

#### Qualifications and Appointment

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, school employees, students and the community. The Superintendent must demonstrate the communication skills necessary to serve an effective liaison between the School, parents, the Superintendent of Public Instruction, local school districts and other public and private constituencies that have an interest in the School. The Superintendent shall have a valid administrative certificate and Superintendent's endorsement issued by the State Certification Board and acquire within the first year of employment sufficient total communication skills to effectively communicate with deaf students and staff.

#### Evaluation

The Board will evaluate, at least annually, the performance of the Superintendent, using standards and objectives developed by the Superintendent and Board, which are consistent with the School's mission and goal statements. A specific time shall be designated for a formal evaluation session. The evaluation should include a discussion of professional strengths, as well as performance areas needing improvement.

#### Compensation and Benefits

The Board and the Superintendent shall enter into an employment contract which conforms to this policy and state law. This contract shall govern the employment relationship between the Board and the Superintendent.

Legal Reference: § 20-8-113, MCA Duties of Superintendent of the Montana School for the Deaf and Blind  
§20-8-120, MCA Communications skills required of certain employees

#### Policy History:

Adopted on: 10-14-92

Revised on: 07-16-04

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## **MSDB FINANCIAL MANAGEMENT**

### Goals 7000

Since educational programs are dependent on adequate funding and the proper management of those funds, School goals can best be attained through efficient fiscal management. As trustee of state, federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the purposes intended.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the School must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of School management and operation.

In the School's fiscal management, the Board seeks to achieve the following goals:

1. Engage in advance planning, with staff, the Governor's Budget Office, the Legislative Fiscal Division and community involvement, to develop budgets that will achieve the greatest educational returns in relation to dollars expended.
2. Establish levels of funding which shall provide superior education for the School's students as defined by their Individual Education Plans.
3. Provide timely and appropriate information to School and Budget Office staff who have fiscal responsibilities.
4. Establish efficient procedures in all areas of fiscal management.

Legal Reference: Title 20, Chapter 9, MCA Finance

### Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB FINANCIAL MANAGEMENT**

### Budget and Program Planning 7110

The biennial budget is evidence of the Board's commitment to the objectives of the Education and Student Services Programs of the Montana School for the Deaf and the Blind. The budget supports the immediate and long-range goals and established priorities within all areas, residential, instructional, non-instructional, and administrative programs.

The biennial budget, as developed through the Executive Planning Process (EPP) shall be communicated to the Board of Public Education for its consideration during even numbered years. The Superintendent and Business Manager shall present:

- March meeting – new expenditure requests to be submitted to the Governor's Office of Budget and Program Planning (OBPP),
- May meeting – proposed requests for long range building to the Department of Administration; Architecture and Engineering Division,
- November meeting – the biennial budget as approved by the OBPP for legislative consideration and approval.

Program planning and budget development shall provide for staff and constituent participation and the sharing of information prior to submission the Governor's Office.

#### Policy History:

Adopted on: 10-14-92

Revised on: 07-16-04

## **MSDB FINANCIAL MANAGEMENT**

### Donations and Gifts 7260

Pursuant to MCA 20-8-111, the Montana School for the Deaf and Blind Foundation, Inc. shall render to the Board the receipt, holding, management, use and disposal of all real and personal property transferred to the Board or to the State of Montana by purchase, gift, devise, bequest or otherwise, and the proceeds, interest and income thereof for the use and benefit of the students and programs of the Montana School for the Deaf and Blind.

The Foundation shall establish and maintain a written policy covering the acceptance, management and expenditure of Foundation, property, proceeds, interest and income. Quarterly reports shall be provided to the Board concerning the acceptance and disposition of all property obtained by it or transferred to the Montana School for the Deaf and Blind.

Legal Reference:	§ 20-8-111, MCA	Duty of board of Public Education as to Property of School
	10.59.101, ARM	BOPE Policy Statement

#### Policy History:

Adopted on: 10-14-92

Revised on: 07-16-04

**MSDB  
FINANCIAL MANAGEMENT**Accounting System Design 7325

The School accounting system shall be established to present, with full disclosure, the financial position and results of the financial operations of the School's funds and account groups in conformity with generally accepted accounting principles. The accounting system must be in compliance with the accounting system requirements established by legislative action and policies and procedures required by the Administrative Financial Services Division of the Department of Administration. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

Policy History:

Adopted on: 07-16-04

Revised on:



**MSDB  
FINANCIAL MANAGEMENT****Documentation and Approval of Claims 7326**

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. The documentation will specifically describe acquired goods and/or services, the budget appropriations applicable to payment, and the required approvals. All purchases, encumbrances and obligations and disbursements must be approved by the administrator designated with the authority, responsibility and control over the budget appropriations. The responsibility for approving these documents cannot be delegated.

The School business office will be responsible for the development of the procedures and forms to be used in the requisition, purchase and payment of claims.

**Policy History:**

Adopted on: 07-16-04

Revised on:

## **MSDB FINANCIAL MANAGEMENT**

### Advertising in Schools/Revenue Enhancement 7332

Revenue enhancement through a variety of School-wide and School-approved marketing activities, including, but not limited to, advertising, corporate sponsorship, signage in or on School facilities, etc., is a Board-approved venture. The Board, acting through the Superintendent may approve such opportunities subject to certain restrictions in keeping with the contemporary standards of good taste. Advertising will model and promote positive values for MSDB students through proactive educational messages and not be simply traditional advertising of a product. Preferred advertising includes messages encouraging student achievement and establishment of high standards of personal conduct.

All sponsorship contracts will allow the School to terminate the contract on at least an annual basis; if it is determined that it will have an adverse impact on implementation of curriculum or the educational experience of students.

The revenue derived should:

1. Enhance student achievement;
2. Assist in maintenance of existing School athletic and activity programs; and
3. Provide scholarships for students participating in athletic, academic, and activity programs, who demonstrate financial need and merit.

Appropriate opportunities for marketing activities include but are not limited to:

1. Banners or signage of a non-fixed nature.
2. School-level publications including the School website or other electronic media.
3. Athletic facilities, including the gymnasium and athletic fields.

Other than corporate-sponsored curriculum materials approved subject to Board policy, advertising will not be allowed in academic buildings or cottage facilities.

The following restrictions will be in place when seeking revenue enhancement. Revenue enhancement activities will not:

1. Promote hostility, disorder, or violence,
2. Attack ethnic, racial, or religious groups,
3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of gender,
4. Be libelous,
5. Inhibit the functioning of the School,
6. Promote, favor, or oppose the candidacy of any candidate for election, adoption of any legislative or budget issues, or any public question submitted at any general, county, municipal, state or national election,
7. Be obscene or pornographic, as defined by prevailing community standards,

8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns,
9. Promote any religious or political organization, or
10. Use any School logo without prior approval.

Legal Reference: 10.55.701, ARM Board of Trustees

Cross Reference: 2120 Curriculum Development and Assessment  
2309 Library Materials  
2311 Instructional Materials

Policy History:

Adopted on: 05-11-06

Revised on: 11-14-14

**MSDB  
FINANCIAL MANAGEMENT****Personal Reimbursements** 7335

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the School from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the School.
2. The purchase was made with the prior approval of an authorized administrator.
3. The item purchased was not available from resources within the School.
4. The claim for personal reimbursement is properly accounted for and documented with an invoice/ receipt.

The School business office will be responsible for the development of the procedures and forms to be used in processing claims for personal reimbursements.

**Policy History:**

Adopted on: 07-16-04

Revised on:

## **MSDB FINANCIAL MANAGEMENT**

### Travel Allowances and Expenses 7336

Every School employee will be reimbursed for travel expenses related to official School business. School employees who are not exempted by another policy will be reimbursed according to the current State levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and voucher forms and approved by the employee's supervisor.

The School business office will be responsible for the development of procedures and forms to be used in connection with travel expense claims and reimbursements. Generally the School will not reimburse an employee for personal car mileage when a school vehicle is available for use, unless it is determined by the Superintendent to be in the best interest of the school.

Legal Reference:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage – allowance
	§ 2-18-504, MCA	Mileage computed by shortest traveled route
	§ 2-18-511, MCA	Claim for expenses
	§ 2-18-512, MCA	Prohibition on travel expenses for conventions-exceptions
	MOM v.1, 1-0310.30	Use of personal vehicles

#### Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB FINANCIAL MANAGEMENT**

### Accounting for Student Funds 7420

The Montana School for the Deaf and Blind has a fiduciary responsibility to properly account for student funds held in trust. These funds must be accounted for pursuant to Generally Accepted Accounting Principles (GAAP). All transactions involving student funds are to be recorded on the Student Funds Accounting Program software. An individual hard copy file is to be kept for each student documenting all accounting transactions involving their funds.

The Student Services Program is authorized to maintain a cashbox containing an amount sufficient to meet student cash needs in the cottage. The cashbox must be secured in a lockable safe. Reimbursement of the cashbox must be made by check. Supporting documentation for each cashbox reimbursement is to be kept on file in the Business Office as well as a hard copy of each transaction involving student funds.

The school is authorized to deposit student funds, not needed to meet current cash flow needs, in a checking account.

Legal Reference:	§ 2-7-509, MCA	Audits of school-related organizations, costs, criteria
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#### Policy History:

Adopted on: 09-10-79

Revised on: 09-22-95

07-16-04

**MSDB  
FINANCIAL MANAGEMENT****Extra- and Co-Curricular Funds 7425**

The Administration is responsible for the establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds shall be to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check, in a bank account maintained by the School for student extra- and co-curricular funds. The use of the students extra- and co-curricular funds is limited to the benefit of the students. Students shall be involved in the decision-making process related to the use of the funds.

Specific procedures are available in the business office.

Legal Reference:       § 29-9-504, MCA       Extra-curricular fund for pupil functions

**Policy History:**

Adopted on: 07-16-04

Revised on:

**8000 SERIES**  
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**MSDB  
NON-INSTRUCTIONAL OPERATIONS**Goals 8000

In order for students to obtain the maximum benefits from their educational program, a complex set of support services must be provided by the School. These services are essential to the success of the School, and the staff that provides them is an integral part of the educational enterprise. Because resources are always scarce, all assets of the School operations, including non-instructional support services, shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of the School is to seek new ways of supporting the instructional program that shall maximize the resources directly available for students' learning programs.

Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB NON-INSTRUCTIONAL OPERATIONS**

### Transportation 8100

#### Transportation of Residential and Day Students from Home to School

The School for the Deaf and the Blind shall provide the transportation expenses allowed for residential students at the School for the Deaf and the Blind who are residents of the State of Montana limited to the number of round trips to the student's residence as specified in the school calendar approved by the Board of Public Education. The Superintendent shall determine the method of transportation to be provided to a student, pursuant to rules adopted by the Board of Public Education on transportation of residential students at the School.

The Superintendent of the School for the Deaf and the Blind may grant a variance from this provision, but in no event may a reimbursement for travel expenses be provided for travel in excess of the total number of trips approved in any school fiscal year.

Transportation of day students residing in the Great Falls Public School District shall be the responsibility of the district in accordance with district policy.

Transportation of day students residing in neighboring districts shall be the responsibility of the districts in accordance with individual district policies.

#### Transportation of Students During the School Day and for Extra-curricular Activities

Responsibility for transportation of students between the MSDB campus and mainstream classroom placements with the Great Falls Public Schools will be in accordance with decisions made by the IEP teams.

Legal Reference: § 20-8-121, MCA	Transportation of students at school
§ 20-7-441, MCA	Special education child eligibility for transportation
§ 20-10-101, MCA	Definitions
§ 20-10-121, MCA	Duty of trustees to provide transportation- types of transportation-bus riding time limitation
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Policy History:

Adopted on: 07-16-04

Revised on:

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## **MSDB NON-INSTRUCTIONAL OPERATIONS**

### School-Owned Vehicles 8121

MSDB owns and maintains certain vehicles. Included among them are vans, sedans, pickups, and school buses. These are for use by properly authorized personnel of the School for school business purposes.

Any driver who receives a citation for a driving violation while operating a School vehicle shall personally pay all fines levied. All citations received while an employee of MSDB, operating a School vehicle, must be reported to the Superintendent and may result in disciplinary action up to and including termination.

### Bus and Vehicle Maintenance

Buses used in the School's transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol, before the beginning of each semester. The Business Manager shall establish a specific list of tasks that bus drivers shall perform on a regular basis. All other School vehicles shall be maintained following established programs as developed by the Business Manager.

### Guidelines for Use of State-Owned Vehicles

#### Restrictions on Use of State-Owned Vehicles

State employees with a valid driver's license appropriate to the type of vehicle may drive a state vehicle as part of their work assignment for the purposes of traveling and conducting business on behalf of the state. Employees must always have the license in his/her possession while operating a state-owned vehicle. Employees may park a state vehicle overnight at his/her residence if the employee must begin travel the next day or if the employee is subject to emergency response, on-call or other off-shift duties associated with employment. Employees on authorized, work-related overnight travel away from home may drive to a cultural, recreational, leisure activity or to conduct personal business if the activity is within 30 miles of the employee's lodging.

Only authorized passengers are allowed in state vehicles. Authorized passengers include state employees conducting business on behalf of the state, students enrolled at the school and non-state employees who are: independent contractors conducting business on behalf of the state, rendering assistance to a disabled state employee, a guest or client of the state if conducting or providing service that is a benefit to the business of the state. This includes parents/guardians of students served by MSDB if the purpose for transportation is connected to the business of the School or outreach program. Any exceptions must have prior written approval of the Risk Management and Tort Defense Division (RMTD).

Employees must immediately report to their supervisor, any traffic citations for a moving violation for which he/she has been cited while operating a state vehicle. Executive Order No. 9-70 requires the following action for speeding violations while driving a state vehicle:

- First offense-notification to agency
- Second Offense-official written reprimand with a copy placed in the personnel file
- Third Offense- dismissal from state employment

A state employee required to drive as part of his/her duties must report any single driving infraction of 5 or more conviction points according to the schedule in 61-11-203, MCA, accumulated while driving a state vehicle or a personal vehicle for state business.

A non-probationary employee who has accumulated 12 or more conviction points while driving a state vehicle or a personal vehicle for state business over the most recent 36 months may not drive a state or personal vehicle for state business until having successfully completed a certified safe driver course approved by the RMDT and have received authorization to drive from the Superintendent and RMTD. State employees who have accumulated 15 or more conviction points may not drive a state vehicle or personal vehicle for state vehicle business until the accumulated points total is less than 12 within the past 36 months.

A non-probationary employee who has accumulated 18 or more conviction points while driving a state vehicle or a personal vehicle for state business over the most recent 36 months may not drive a state or personal vehicle for state business until 2 years have passed during which time they have not accumulated any conviction points and have successfully completed a certified safe driver course approved by the RMDT and have received authorization to drive from the Superintendent and RMTD.

Authorized drivers are responsible for promptly paying all penalties following the court procedures established for contesting citations. The Superintendent has the authority to restrict employees otherwise authorized as drivers from using state vehicles when it knows they are unsafe drivers from means other than the accumulation of conviction points.

### Rules of Operation

- Employees must operate state vehicles in compliance with all applicable state and local traffic regulations, Administrative Rules of Montana, Executive Orders and Agency policies. State employees shall drive in a careful and prudent manner so as not to unduly or unreasonably endanger the life, limb, property or rights of another person or pedestrian.
- No person under the influence of alcohol, illegal drugs, or is impaired by the proper or improper use of prescription drugs may drive a vehicle for state business. No person may have an alcoholic beverage container in a state-owned vehicle.
- Employees operating state vehicles shall be responsible for ensuring that all occupants of the vehicle use seat belts at all times and that children under 6 years of age, 40 pounds are

properly restrained in a child safety seat. Employees operating vehicles transporting students are responsible for ensuring that students are seated at all times. Students must be facing forward with arms, hands, legs and feet inside the vehicle at all times.

- Employees will ensure that vehicles are returned to campus with no less than ¼ tank of gas. If transporting of students makes a gas stop unsafe or impractical, employees shall notify his/her supervisor. MSDB staff who are operating vehicles transporting students are responsible to see that that vehicle interiors are returned to campus free of trash and any spills are appropriately cleaned.
- All vehicles must be checked out in advance from the school or cottage office.
- Employees will park vehicles in safe and appropriate locations and ensure that vehicles are locked and the windows are rolled up when unattended.
- Employees may not affix bumper stickers or other items, or alter state-owned vehicles in any manner.

Reference ARM 2.6.201-2.6.210, Executive Order 9-70

Policy History:

Adopted on: 11-16-03

Revised on:

**MSDB  
NONINSTRUCTIONAL OPERATIONS****School-Owned Vehicle Emergencies 8122**

In the event of an accident or other emergency, the driver of any school-owned vehicle or bus shall follow the emergency procedures developed by the Superintendent. A copy of the “Emergency Procedures Manual” shall be located in each vehicle and bus. To ensure the success of such emergency procedures, each driver shall conduct an emergency evacuation drill within the first six (6) weeks of each school semester. MSDB shall conduct such other drills and procedures as may be necessary.

**Policy History:**

Adopted on: 11-16-03

Revised on:

## **MSDB NONINSTRUCTIONAL OPERATIONS**

### Activity Trips 8132

All out-of-town transportation must be conducted by school buses or licensed private carriers.

1. The Administration Office will furnish buses for all transportation involving the following:
  - a. Trips approved by the Principal or Dean of Students.
  - b. Inter-city and intra-state transportation involving a school or cottage group engaged in extracurricular or co-curricular activity.
  - c. Transportation for athletic events which are arranged by a head coach or the Athletic Director through the Administration Office.
  - d. Transportation for all instructionally related field trips which are approved by the Principal.
  - e. Transportation for any group(s) of students engaged in extracurricular activity.
  - f. Transportation may be furnished for picnics, club field trips, social/recreational activities, or groups viewing athletic events, if approved by the Principal or Dean of Students.
  - g. Other transportation authorized by the Superintendent.
2. Except with a parent as specifically arranged for through the sponsor and approved by the office prior to the trip, students cannot under any circumstances ride in private automobiles during the course of traveling to or from an out-of-town school event in which they are a member of the school's team or group.
  - a. Except as provided in paragraph #3 above, a student must remain with the group at all times in traveling to or from, and during, an out-of-town/in-town school event. A written release of responsibility signed by the parent or guardian of the student is required prior to permitting a student to separate from the group. The student may only be released directly to a parent as specified in the parental release for which approval is at the discretion of the administration and activity sponsor.
  - b. Although it is an exception to the general rule, for good cause students may request permission to travel with a parent/guardian to or from school-sponsored trips. "Good cause" includes but is not limited to conflicts with other school-sanctioned events and medical emergencies. "Good cause" does not include failure to plan, a desire to travel with family rather than the team or school organization, inconvenience, dislike or planned travel times, or mode of transportation or similar reasons.
  - c. For purposes of this regulation the term "a parent/guardian" means the parent, legal guardian or grandparent of the affected student or the parent of another student whom the student's parent has designated. Permission forms are available in the administration and cottage offices and must be completed and submitted, absent an emergency, at least one-week prior to the commencement of the scheduled event.
2. The above regulations do not prohibit furnishing necessary transportation to students in

cases of emergency.

Policy History

Adopted on: 07-16-04

Revised on:



## **MSDB NONINSTRUCTIONAL OPERATIONS**

### Nutrition 8230

Establishing healthy eating habits at a young age is critical to proper growth and development; it also makes it more likely that healthy habits will continue into adulthood. MSDB is committed to helping its students develop healthy eating habits by implementing effective nutritional guidelines for food and beverages consumed on campus.

The following guidelines shall be in effect:

1. Food served in the before school and school lunch program shall meet the nutrition guidelines of the National School Lunch Program. Menus will be planned to include as many fresh fruits and vegetables as possible within financial limits. Food will be purchased and prepared in a manner that provides low fat and low sodium levels to meet program guidelines.
2. Food sales may be conducted provided that sales occur at least one hour prior to the beginning of the breakfast or lunch period, and at any time following the last breakfast or lunch period. Food sales must not compete with the school breakfast or lunch program.
3. Food that is sold must meet health department standards for storage, preparation and service.
4. Any food vending machine available for student use is acceptable provided all vended foods meet the following guidelines; each 100 calorie serving must meet or exceed 5% of eight specific nutrients (Fed. Register 1/29/80).
5. Placement of carbonated beverage vending machines must comply with current rules as set forth by the State Office of Public Instruction, Division of School Food Services.
6. Any food sales of an occasional nature must have the prior approval of the Principal or the Dean of Students.

Legal Reference:       § 20-10-204, MCA   Duties of trustees

#### Policy History:

Adopted on: 07-16-04

Revised on: 12-03-10

## **MSDB NON-INSSTRUCTIONAL OPERATIONS**

### Montana Safety Culture Act 8300

The Superintendent shall develop necessary safety and health standards, which comply with the Montana Safety Culture Act. MSDB safety and health standards which comply with the Montana Safety Culture Act may be found in the Montana School for the Deaf and the Blind Employee Handbook.

The Montana School for the Deaf and the Blind has established an educational based safety program that requires at a minimum a safety training program for new employees focusing on general safety orientation:

- a) job or task-specific safety training and continuous refresher safety training,
- b) periodic hazard assessment with corrective actions identified,
- c) appropriate documentation of performance of the activities; and
- d) a safety committee.

The safety committee shall hold meetings on a regular basis:

- a) to draft standardized procedures for reporting and investigating all work related incidents, accidents injuries and illness; and
- b) to establish policies and procedures that assign specific safety responsibilities and safety performance accountability.

There will be a safety in-service for all staff at the beginning of each school year.

Legal Reference:

§ 39-71-1501, et seq., MCA Montana Safety Culture Act of 1993

### Policy History

Adopted on: 03-05-97

Revised on:

## **MSDB NON-INSTRUCTIONAL OPERATIONS**

### Safety Program      8301

The Board acknowledges the importance of safety for students, staff, and others having business with the School. Safety education, accident prevention, and proper supervision are important as protective measures and also OSHA means to promote a culture of safety awareness.

The Board directs the formation of a Safety Committee comprised of employer and employee representatives, as outlined in the Montana Safety Culture Act.

The Board directs the development of an Exposure Control Plan for employees, to eliminate or minimize work-related exposure to bloodborne pathogens, particularly Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV).

The School will develop and maintain a comprehensive emergency response plan that addresses all threats to students, staff, visitors and property. The plan will address all threats caused by individuals, nature or weather and will provide guidelines and procedures for an immediate and safe response that protects human welfare as well as property. Students and staff will receive regular training on the implementation of safety procedures outlined in the emergency response plan.

The School will participate in the prosecution of any individual(s) who may disturb any school or school meetings, insult or abuse any school employee or student during the course of the school/work day, or otherwise violate the laws of the State of Montana regarding school disturbance or individual protection for school employees or students.

It shall be the Superintendent's responsibility to execute this program. The Superintendent may delegate this responsibility to other staff members.

Legal Reference:	§§ 39-71-1501, et seq., MCA §§ 20-1-206, et seq., MCA §§ 20-1-401-407, MCA 29 CFR 1910.1030	Montana Safety Culture Act Disturbance of school – penalty Disaster Drills Fire Drills and Safety The Bloodborne Pathogens Standard
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#### Policy History:

Adopted on: 03-15-02

Revised on: 07-16-04

**MSDB  
NON-INSTRUCTIONAL OPERATIONS****Dangerous Person on Campus      8302**

The Superintendent shall establish procedures for action in the event that dangerous person(s) are identified on the grounds or in the buildings on campus. Steps outlined in the “Emergency Response Manual” will be taken to address the threat.

1. Staff who have become aware of the danger will immediately move students to the closest, safe area and contact the administration office sending a voice or text message through the safest and most expedient means possible, i.e., in person, via phone/TTY or e-mail.
2. Staff will account for all students keeping them together and follow emergency instructions from the administration.
3. Program administrator/supervisors will send a pre-arranged message via phone/TTY alerting faculty and staff of the danger.
4. Administrators/supervisors will lock all exterior doors and contact law enforcement.
5. Staff will shelter students in place until they are directed by a program administrator or supervisor that the campus is clear.

**Policy History:**

Adopted on: 03-15-02

Revised on:

**MSDB  
NON-INSTRUCTIONAL OPERATIONS****Video Surveillance** 8303

The Board authorizes the use of video cameras on School property to ensure the health, welfare, and safety of all staff, students, and visitors to School property, and to safeguard School facilities and equipment. Video cameras may be used in locations as deemed appropriate by the Superintendent.

The School shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on School property.

Video surveillance records can be used to document violations of board policies, administrative regulations, building rules or law.

Video recordings may be turned over to local or state law enforcement for the purposes of a criminal investigation. The School shall comply with all applicable state and federal laws related to record maintenance and retention.

Except as provided by law, audio shall not be part of the video recordings made, reviewed, or stored by the School.

**Policy History:**

Adopted on: 07-31-13

Revised on:

## **MSDB NONINSTRUCTIONAL OPERATIONS**

### Disaster Drills and Emergency Evacuation 8310

Disaster drills will occur on a regular basis. The principal, Dean of Students and Business Manager shall develop a plan of fire, civil defense, tornado and earthquake warning, protection and evacuation for MSDB and for each building. There shall be at least eight (8) disaster drills a year, four (4) of which shall be fire drills. The drills shall be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record will be kept of all fire drills.

The principal and/or dean of students shall be responsible for organizing and conducting such emergency evacuation drills as are necessary and shall objectively evaluate the activity following each such drill. The principal and/or dean of student's office shall instruct staff including teachers, assistants, secretaries, cottage life attendants, food services workers and maintenance workers as to their respective responsibilities in an evacuation exercise.

Appropriate procedures for disaster drills will be discussed with students at the beginning of the school year by all teachers and cottage life attendants. Evacuation routes and procedures will be posted in a conspicuous place near the exit door of every classroom, conference room, living area, activity room and gymnasium.

An "Emergency Action Manual" outlining procedures which address general emergencies, natural and human caused disasters or disturbances will be reviewed with all faculty and staff at the beginning of the school year. Copies of the manual will be maintained in each classroom and living area and drills for room clear, shelter in place, lockdown and evacuation procedures will be conducted quarterly.

### Emergency Evacuation

The Superintendent shall establish procedures for the emergency closure of a building or a program. The principal and dean of students shall establish emergency evacuation procedures for each of the buildings in their programs.

When an emergency on campus or within a building threatens the safety and well being of students, and/or interferes in the normal operation of the school necessitating total or partial closure of the campus, the following procedure shall be followed:

1. The report of the emergency shall be directed to the Superintendent, principal or dean of students office.
2. If the nature of the emergency calls for immediate action on the part of the principal, dean of students or supervisor, he/she shall take necessary action following procedures

outlined in the “Emergency Action Manual” and immediately report such action to the Superintendent.

3. The Superintendent, principal or dean of student’s office shall contact those departments and/or schools who must assist in the emergency action.
4. When appropriate, the Superintendent’s office shall contact local fire and/or law enforcement agencies.

Legal Reference:      § 20-1-401-407, MCA      Disaster Drills Fire Drills and Safety

Policy History:

Adopted on: 03-15-03

Revised on:

**MSDB  
NONINSTRUCTIONAL OPERATIONS**Privately-Owned Property 8340

The School shall not assume responsibility for the maintenance, repair or replacement of any privately-owned property brought to a school or School function unless the use or presence of such property has been specifically requested in writing by the administration.

Policy History:

Adopted on: 07-16-04

Revised on:



## **MSDB NON-INSTRUCTIONAL OPERATIONS**

### Use of Personal Cars for School Business 8345

When travel related to work is necessary, all employees will use state-owned vehicles which can be signed out for use through the Administration or Cottage Offices. In specific limited cases, employees may use their personal vehicles related to their work assignment during the duty day. In order to use a personal vehicle for work purposes, the following conditions must be met:

- 1) employees must have prior written approval from the program administrator before using their personal vehicle for work related purposes.
- 2) employees must also maintain registration and liability insurance within the limits of state law.

Students may never be transported in a personal car unless the previously listed conditions have been met.

Mileage reimbursement for use of personal cars will be provided at the “State” rate only if:

- 1) the employee receives prior written approval to use his/her personal car for work related business
- 2) the employee must drive between two or more work assignments during the duty day
- 3) there are no state vehicles available for use at the time that transportation is necessary

According to administrative rule, when a state vehicle is available and an employee is given approval to use his/her personal car, the mileage reimbursement rate will be at a reduced “motorpool” rate.

Legal Reference: MOM v.1, 1-0370.30

#### Policy History:

Adopted on: 11-14-03

Revised on:

## **MSDB NON-INSTRUCTIONAL OPERATIONS**

### Records Management 8410

All agency and student special education records generated by the School will be managed according to applicable federal and state statutes. Records may be destroyed as set forth in 34 C.F.R. 300.573 and § 20-1-212, MCA. At the beginning of each fiscal year, an application for destruction of records will be completed and forwarded to the State Records Committee for approval. Upon approval from the committee, the records will be shredded.

All recorded and non-recorded agency records will be retained according to the General Records Retention Schedule. Student special education records will be retained according to the Montana Government Retention and Disposition Schedule; Schedule Title: School Districts, XIII Special Education Records.

Legal Reference:	34 C.F.R. 300.573	Destruction of Information
	§ 20-1-212, MCA	Destruction of old records by school officer
	§ 2-6-202, MCA	Definitions
	§ 2-6-204, MCA	State records committee approval
	§ 2-6-205, MCA	Preservation of public records
	§ 2-6-206, MCA	Protection and storage of essential records
	§ 2-6-211, MCA	Transfer and storage of public records
	§ 2-6-212, MCA	Disposal of public records
	§ 20-7-101 (2), MCA	Standards of accreditation
	10.55.909, ARM	Student Records

### Policy History:

Adopted on: 07-16-04

Revised on:

**9000 SERIES**  
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**MSDB  
SCHOOL FACILITIES**Goals 9000

The Board recognizes the importance the physical plant plays in enhancing the instructional program. The Board shall develop a program to maintain and/or upgrade the buildings and grounds of the School. Facilities represent a long-term investment of the School. The functional utility of such facilities can be increased with a regular maintenance program monitored by staff.

The Board further recognizes the importance of planning in order to provide the anticipated facility needs of the future. The School will work with the Governor's Office and the Department of Administration and Architecture and Engineering Division to review demographic factors and develop long range plans for necessary changes in school facilities.

Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB SCHOOL FACILITIES**

### Lease, Rental, Sale or Other Disposition of Real Property 9261

There shall be no lease, sale or other disposition of School property without the approval of the Board of Public Education. For property jointly owned by the State of Montana and the Montana School for the Deaf and the Blind Foundation, Inc., the approval of the Board and the MSDB Foundation, Inc., is required.

Legal Reference:	§20-8-110, MCA	Property vested in School
	§20-8-111, MCA	Duty of Board of Public Education as to property of School
	10.55.701, ARM	Board of Trustees

#### Policy History:

Adopted on: 10-14-92

Revised on: 11-14-14

**MSDB  
SCHOOL FACILITIES**Operation and Maintenance of School Facilities 9300

The School seeks to maintain and operate facilities in a safe and healthful condition. The business manager, in cooperation with the principal, dean of students, fire chief and county sanitarian, shall periodically inspect plant and facilities. S/he shall provide for a program to maintain the School physical plant by way of a continuous program of repair, maintenance and reconditioning. Budget recommendations shall be made each year to meet these needs and any such needs arising from an emergency.

The business manager shall formulate and implement energy conservation measures. Program managers and staff are encouraged to exercise other cost-saving procedures in order to conserve the resources of the School within their buildings.

Legal Reference: 10.55.908, ARM School Facilities

Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB SCHOOL FACILITIES**

### Security 9320

Security means not only maintenance of buildings, but also protection from fire hazards and faulty equipment, and safe practices in the use of electrical, plumbing, and heating equipment. The Board requires close cooperation with local police, fire, and sheriff's departments and with insurance company inspectors. Security also means ensuring the protection of student, faculty and staff from the threat of intruders or unauthorized persons in the school buildings or on the campus grounds at any time.

The Superintendent shall develop and implement a procedure for the control of access to school buildings and grounds during all hours of operations. Access to the academic buildings, the Mustang Center and grounds outside of regular school hours shall be limited to staff whose work requires access. Access to the residential buildings during the late evening and nighttime hours shall be limited to staff whose work requires such access. An adequate key control system shall be established, which shall limit access to buildings to authorized staff and shall safeguard against the potential entry of unauthorized persons.

MSDB maintains a locked door policy, as the doors to the school buildings, Mustang Center and cottages will remain locked throughout the day except for single points of entry to each building which are within site of administrative offices. With the exception of activities or events, all visitors must register in the main school or cottage office prior to visiting any building or area of campus.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Nightwatch attendants will be employed in each residential building during late evening and nighttime hours whenever students are in residence. Employment of watchmen may be approved in situations where special risks are involved. All incidents of vandalism and burglary shall be reported to the Superintendent immediately and to law enforcement agencies as appropriate.

Records and funds shall be kept in a safe place and under lock and key when required.

Legal Reference: § 50-61-114, MCA Fire Chief and Fire Inspector to make inspections

### Policy History:

Adopted on: 11-16-03

Revised on:

## **MSDB SCHOOL FACILITIES**

### Procedure for the Control of Access to School Buildings and Grounds 9320P

#### Procedures for Signing In and Out

Each building will have a designated single point of entry. This entry is to be used by all students, staff and visitors during hours of operation.

There will be a procedure for sign-in of all visitors and all persons doing business with the school. Sign-in will require the name, purpose of the visit, location on campus and estimated length of stay. Each building will have proper signage instructing visitors to report to a central location so that they may sign-in.

Each visitor or person doing business on school grounds or in any building will wear an identification badge.

All visitors will be required to sign-out at the end of the visit or after completing business.

#### Securing of Door and Issuing Keys

Keys will be issued for buildings to employees for purposes related to their work. All doors with the exception of those specified as single points-of-entry, are to be remained locked at all times. If an employee unlocks a door for any reason, he or she must lock the door immediately behind himself or herself. Doors may never be propped open and security bars must remain in place after regular school hours. Security systems may never be tampered with, left unsecured or disarmed. Doing so may be cause for immediate termination.

Keys will be issued for specific buildings based on the following criteria:

1. The employee has a work assignment in a specific building on a regularly scheduled basis.
2. The employee must have access to a specific building in the event of an emergency.
3. The employee must have access to a specific building to perform required maintenance.
4. The employee must sign for each key issued and is responsible for it's safekeeping. The employee may be responsible for costs associated with the rekeying of building(s) if his or her key is lost.
5. Employees who have work assignments in more than three buildings on campus, may be issued a campus master key, at the discretion of the Superintendent.
6. At the discretion of the Superintendent any program administrator or supervisor may be issued a campus master key.
7. Campus master keys will be maintained in lock boxes in education, cottage and administration offices as well as on the outside of the main entrance to Bitterroot Hall in a location which will be made known to city police and fire services.

#### Policy History:

Adopted on: 11-14-03

Revised on:



**MSDB  
SCHOOL FACILITIES**Facilities Operations 9330

The operation of the School's facilities shall be the responsibility of the Superintendent through the business manager in cooperation with the principal and dean of students. The business manager shall manage the operation of the facilities through the maintenance supervisor of the School's school facilities.

An adequate staff of custodial personnel will be employed by the School to operate the School's facilities. This responsibility shall include, but not necessarily be limited to, the following:

1. Adequate and timely maintenance and operation of each facility's heating and/or cooling system.
2. Proper cleaning and maintenance of the School's physical properties, including walls, floors, roofs, ceilings, and equipment in those facilities.
3. Adequate care of and timely lamp replacement in each facility's lighting system.
4. Proper care of each facility's grounds including shrubs and trees, and playground areas and equipment.
5. Timely removal of snow and ice from sidewalks and parking lots.

Because of the nature of facility operations, this service shall be provided not only during the normal scheduled working day and working year, but shall also occur during those times when the building is occupied outside of regular hours.

Policy History:

Adopted on: 07-16-04

Revised on:

## **MSDB SCHOOL FACILITIES**

### Snow Removal 9331

It is the policy of the School to keep sidewalks, curb cuts for handicap access, and entrances to buildings free from snow and ice accumulations. Pursuant to this policy, the Maintenance Department will perform the following in order of priority during periods of snow accumulation:

- (1) Clear accumulations from campus sidewalks: Maintenance Foreman will arrive at school between 5:00 AM and 5:30 AM and using snow removal equipment will clear campus sidewalks and curb cuts for handicap access. Maintenance Foreman will arrange for night maintenance worker to come in no later than 9:00 AM to finish clearing snow from building entrances.
  - (a) If residue remains on sidewalks after use of equipment, the Maintenance Foreman or his designee will apply salt to major traffic areas.
- (2) Sidewalks around rental property: Maintenance Foreman or designee, after clearing accumulations from campus sidewalks, will clear snow from city sidewalks located on rental property jointly owned by the State of Montana and the Montana School for the Deaf and the Blind Foundation Inc.
- (3) Parking Lots: If time permits during the normal eight hour shift, the Maintenance Foreman or his designee will plow parking lots in the following order:
  - (a) Main parking lot located off 3911 Central Avenue;
  - (b) Parking lot located next to Aspen Hall off 2nd Avenue North;
  - (c) Parking lots located around the cottage complex;
  - (d) Parking lot adjacent to rental units

#### Policy History:

Adopted on: 03-05-97

Revised on:

**MSCB  
SCHOOL FACILITIES**School-Wide Asbestos Program 9350

It is the intent of the School that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all MSDB employees, vendors, and contractors.

Legal Reference:      15 USC § 2641      Congressional findings and purpose

Policy History:

Adopted on: 07-16-04

Revised on: