

**SIDNEY SCHOOL DISTRICT**  
**8000 Series**  
**NONINSTRUCTIONAL OPERATIONS**

**SIDNEY SCHOOL DISTRICT**  
**8000 SERIES**  
**NONINSTRUCTIONAL OPERATIONS**

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## **Sidney School District**

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#### Goals

In order for students to obtain the maximum benefits from their educational program, a complex set of support services must be provided by the District. These services are essential to the success of the District, and the staff that provides them is an integral part of the educational enterprise. Because resources are always scarce, all assets of District operations, including noninstructional support services, shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of the District is to seek new ways of supporting the instructional program that shall maximize the resources directly available for students' learning programs.

#### Policy History:

Adopted on: 11/9/98

Revised on:

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#### Transportation

The District may provide transportation to and from school for a student who:

1. Resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school;
2. Is a student with a disability, whose IEP identifies transportation as a related service; or
3. Has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The District may provide transportation by school bus or other vehicle or through individual transportation such as paying the parent or guardian for individually transporting the student. The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. The Board may authorize children attending an approved private school to ride a school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is collected. The District may transport and charge for an ineligible public school student, provided the parent or guardian pays a proportionate share of transportation services. Fees collected for transportation of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and state law.

#### In-Town Bussing

In-town bussing is defined as the bussing of students within three (3) miles of their school. In-town bussing is a privilege the District can discontinue at any time. The Superintendent will establish guidelines under which a student may request in-town bussing.

#### Children in Foster Care

The Superintendent will appoint a Point of Contact (POC) to coordinate activities relating to the District's provisions of services to children placed in foster care, including transportation services. The Superintendent, or designee, will inform the Department of Health and Human Services who is the POC for the District. The District will collaborate with the Department of Health and Human Services when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or District when in the best interest of the student. Under the supervision of the Superintendent/designee, the POC will invite

appropriate District officials, the Department of Health and Human Services POC, and officials from other districts to consider how such transportation is to be arranged and funded in a cost-effective manner.

Legal Reference:	§ 20-10-101, MCA	Definitions
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-122, MCA	Discretionary provision of transportation and payment for this transportation
	§ 20-10-123, MCA	Provision of transportation for nonpublic school children
	10.7.101, et seq., ARM	Pupil Transportation
	10.64.101-700, et seq., ARM	Transportation
	No Child Left Behind Act of 2001 (P.L. 107-110)	

Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/03, 7/1/2016, 11/13/17

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Contracting for Transportation Services

If the Board enters into a contract for transportation services, the contractor shall operate such equipment according to District policy and the rules and regulations of the Board of Public Education. The contract shall be in effect for not more than five years. Prior to entering into the first such contract, the District shall determine that the cost of contracting for the ensuing term will not exceed the projected costs of operating its own system. Before any transportation contract to a private party or contractor is awarded, the Trustees shall:

1. Secure bids by advertising for a 21-day period (three consecutive weeks); or
2. Negotiate a new contract with the present contractor, provided the new contract does not exceed by more than 12 percent per year of basic costs of the previous contract.

No money shall be expended unless a contract with a private carrier has been executed. The Board Chair shall sign such contracts on behalf of the District.

The District reserves the right to own, operate, and to choose with respect to any other form of transportation, whether it be regular school, co-curricular, extra-curricular or District business programs, that means of transportation that best fits the needs of the District at that particular time as judged by the Board.

Legal Reference:	§ 20-10-102, MCA	School bus requirements
	§ 20-10-125, MCA	Bid letting for contracts - payments under transportation contract
	§ 20-10-107, MCA	Powers of Trustees
	10.7.108, ARM	Bus Contract

Policy History:

Adopted on: 11/9/98

Revised on:

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#### Bus Routes and Schedules

The Superintendent's designee is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses consistent with providing safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness, and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turnaround points, capacity of bus, and related factors.
2. The District may extend a bus route across another transportation service area, if it is necessary in order to provide transportation to students in the District's own transportation service area. A district may not transport students from outside its transportation service area.
3. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one (1) hour without consent of the child's parent or guardian.
4. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.
5. Parents should be referred to the Superintendent for any request of change in routes, stops, or schedules.

The Board reserves the right to change, alter, add, or delete any route at any time such changes are deemed in the best interest of the District, subject to approval by the county transportation committee.

#### Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency and inclement weather conditions.

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. The principal of each building is responsible for the conduct of students waiting in loading zones.

### Delay in Schedule

The driver is to notify the administration of a delay in schedule. The administration will notify parents on routes and radio stations, if necessary.

### Responsibilities - Students

Students must realize that safety is based on group conduct. Talk should be in conversational tones at all times. There should be no shouting or loud talking which may distract the bus driver. There should be no shouting at passersby. Students should instantly obey any command or suggestions from the driver and/or his/her assistants.

### Responsibilities - Parents

The interest and assistance of each parent is a valued asset to the transportation program. Parents' efforts toward making each bus trip a safe and pleasant experience are requested and appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
2. Properly prepare children for weather conditions.
3. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding the school bus.

### Safety

The Superintendent will develop written rules establishing procedures for bus safety and emergency exit drills and for student conduct while riding buses.

If the bus and driver are present, the driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the Superintendent. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.



The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

### Eligibility

To be eligible to ride the bus, the individual pupil must:

1. Be a student registered in the elementary, middle or high school.
2. Reside with his/her parents or guardian who maintain a permanent home within the boundaries of the District and pay transportation.
3. Live outside the established transportation zone or boundary.

Out-of-District: Students who reside outside the boundaries of the District and pay tuition may ride the buses free. Their transportation fee is included in the tuition fee. However, bus routes will not be extended outside of the District to accommodate these students.

Within the boundary limit (provided room is available): Students residing within the boundary limit may ride on the bus on a fee basis as established by the Trustees.

### Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. In the interest of safety and operational efficiency, the Superintendent is empowered to make decisions as to emergency operation of buses, cancellation of bus routes, and closing of school, in accordance with his or her best judgment. The Board may develop guidelines in cooperation with the Superintendent to assist the Superintendent in making such decisions.

**NOTE:** To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route.

**NOTE:** The county transportation committee has authority to establish transportation service areas, should circumstances and/or geography (demographics) warrant.

Legal Reference:	§ 20-10-106, MCA	Determination of mileage distances
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-132, MCA	Duties of county transportation committee

### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016

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Transportation of Students with Disabilities

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

- (a) Travel to and from school and between schools;
- (b) Travel in and around school buildings or to those activities that are a regular part of the student's instructional program;
- (c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Evaluation Team that develops the disabled student's Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student's IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District's regular transportation system under policies and procedures applicable to all District students. Utilizing the District's regular transportation service shall be viewed as a "least restrictive environment."

Mode of Transportation

One of the District's special education buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities

Policy History:

Adopted on: 11/9/98

Revised on: 7/01/2006

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## **Sidney School District**

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#### District-Owned Vehicles

The District owns and maintains certain vehicles. Included among them are pickups, school buses and vans. These are for use by properly authorized personnel of the District for District business purposes. The following regulations shall apply to the use of these vehicles:

Any driver who receives a citation for a driving violation shall personally pay all fines levied. All citations received while operating a District vehicle shall be reported to the driver's supervisor. Failure to report any violation or the violation itself may result in disciplinary action.

#### Bus and Vehicle Maintenance, District

Buses used in the District's transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol before the beginning of each semester. The Superintendent shall establish a specific list of tasks that bus drivers shall perform on a daily basis. All other District vehicles shall be maintained following established programs as developed by the Superintendent.

#### Bus Maintenance - Non-Owned Vehicles

The Superintendent's designee with bus experience, will make periodic inspections of the buses and drivers. Copies of inspection reports are to be made available to the administration and the contractor. Follow-up checks are to be made to see that necessary corrections are made. The Highway Patrol also inspects these buses if they are used for home-to-school and back transportation. For the District to receive state/county reimbursement, the bus must be inspected by the Highway Patrol.

It is recommended that these inspections coincide with the state inspections conducted by the Highway Patrol. However, other inspections may be conducted as deemed necessary by the Superintendent.

#### Policy History:

Adopted on: 11/09/1998

Revised on: 05/09/11

## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

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#### Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District's written rules for bus drivers and for student conduct on buses.

School bus drivers must hold a valid Montana school bus certificate in order for a district to receive state reimbursement for that driver's bus routes. Qualifications for bus drivers are prescribed by 20-10.103, MCA, and by the board of Public Education in Arm 10.64.201. The first aid certificate required by ARM 10.64.201 must include instruction in adult and pediatric CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours. The certificate must be renewed every two years.

A school bus driver is prohibited from operating a school bus while using a cellular phone, including hands free cellular phone devices, except:

- (1) During an emergency situation;
- (2) To call for assistance if there is a mechanical breakdown or other mechanical problem;
- (3) When the school bus is parked.

A driver may not operate a school bus without a valid, current certificate.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

#### **Maximum Driving Time**

The district recognizes from a risk management and student safety standard the importance of driver safety while transporting students. Therefore, the district will:

1. Meet the federal standard on maximum driving time for drivers.

Cross Reference: 2018 Montana School Bus Standards, Page 138, Bus use for School Activity Trips

Legal Reference: § 20-10-103, MCA School bus driver qualifications  
10.7.111, ARM Bus Drivers Certification Requirement for Reimbursement  
10.64.201, ARM School Bus Driver Qualifications National Highway Traffic Safety Administration  
CFR 49, Part 395 Transportation - Hours of Service for Drivers

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 5/2/17

Revised on: 7/1/06, 4/12/10, 5/9/11, 7/1/17, 4/1/19 [Back to Index](#)

## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

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#### Student Conduct on Buses

The Superintendent shall establish written rules of conduct for students riding school buses and activity buses. Such rules shall be reviewed annually by the Superintendent and revised if necessary. If the rules are substantially revised, they shall be submitted to the Board for approval.

A copy of the rules of conduct for students riding buses shall be provided to students at the beginning of the year. The classroom teacher and bus driver shall review the rules with the students at the beginning of each school year. A copy of the rules shall be posted in each bus and shall be available upon request at the District office and in each building principal's office.

The bus driver shall be responsible for enforcing the rules, and shall work closely with the parent and building principal to modify a student's behavior. The rules shall include consistent consequences for student misbehavior.

Recommendations for permanent termination of bus privileges will be referred to the Superintendent for final determination. The termination may be appealed to the Board. No further appeal shall be allowed.

A recommendation to terminate bus privileges shall be accompanied by a written record of the incident(s) that led to the recommendation.

Cross Reference                   3310   Student Discipline

Legal Reference:	§ 20-4-302, MCA	Power of teacher or principal over pupils
	§ 20-5-201, MCA	Duties and sanctions

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016

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#### Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Superintendent. A copy of the emergency procedures shall be located in each bus. To ensure the success of such emergency procedures, each bus driver shall conduct an emergency evacuation drill within the first six weeks of each school semester. The District shall conduct such other drills and procedures as may be necessary. Accident forms (T-8) will be sent to OPI.

#### Policy History:

Adopted on: 11/9/98

Revised on:

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## **Sidney School District**

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#### Activity Trips

The use of school buses is limited to school activities unless approved by the Sidney Board of Trustees. On all activity runs, buses will be operated by a District approved bus driver only. On all activity trips, only authorized activity participants, professional staff and chaperones assigned by the high school administration may ride the bus. A duplicate copy of the passenger list will be made for all activity trips and non-school requests approved by the Board. One copy will remain with the professional staff member or assigned driver in charge on the bus and one copy will be given to the Activities Director or Transportation Supervisor before the bus departs.

Non-school requests for District Transportation will be submitted to Board for approval and will be acted on at the next scheduled meeting of the Board. Requests submitted will be consistent with the District policies and educational philosophy of the Board. Use of District transportation for school purposes has precedence over all other requests. Requesting persons or organizations must abide by the District's conduct rules and all applicable transportation policies. Non-school groups will be assessed fees deemed necessary to cover equipment costs, personnel costs, and costs of any and all damages as a result of use of the District's transportation equipment. Non-school organizations will be required to complete the designated transportation request form for approval by the Sidney Board of Trustees.

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/2/15

Revised on: 7/1/15

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## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

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#### Food Services

The District supports the philosophy of the National School Lunch Program and shall provide wholesome, appetizing and nutritious meals for children in the District's schools.

Because of the potential liability of the District, the food services program shall not accept donations of food without the express approval of the Board. Should the Board approve a food donation, the Superintendent shall establish inspection and handling procedures for the food and determine that the provisions of all state and local laws have been met before selling the food as part of the school meals.

As an integral part of a school, the District's food service is operated in compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments.

#### Commodities

The District shall use food commodities made available under the Federal Food Commodity Program for school meals.

#### Free and Reduced Price Food Services

The District shall provide free and reduced price meals to students according to the terms of the National School Lunch Program and the laws, rules and regulations of the state. The District shall inform parents of the eligibility standards for free or reduced price meals. Identity of students receiving free or reduced price will be confidential in accordance with the National School Lunch Program guidelines. A parent has the right to appeal any decision with respect to his/her application for free or reduced price food services to a designated hearing official.

The Board may establish programs whereby meals may be provided in the District in accordance with National School Lunch Program guidelines.

The amount charged for such meals shall be sufficient to cover all costs of the meals including preparation labor, food costs, handling costs, utility costs, and equipment depreciation costs.

Legal Reference:	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-207, MCA	Food services fund
	§ 20-10-205, MCA	Allocation of federal funds to school fund services fund

#### Policy History:

Adopted on: 11/9/98

Revised on:6/28/21

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## Sidney School District

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#### Meal Charge Policy

*Note: For the purpose of this policy, parent includes guardian, caretaker relative, and any adult responsible for the care of the child.*

The goal of the Sidney School District is to allow children to receive the nutrition they need to stay focused during the school day. The purpose of this policy is to ensure compliance with federal reporting requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances.

The District complies with Federal USDA policies on meal charging and debt collection. All meal charges must be paid directly to the Sidney School District.

If a student is without meal money, the administration will take action deemed necessary to collect unpaid meal charges while ensuring the nutritional needs of the student are met in providing the student with a regular meal. If financial hardship exists, parents and families will be encouraged to apply for free or reduced price lunches for their child(ren).

#### Unpaid Meal Debt

- Once a family/student account is \$15.00 in arrears, students will be offered an alternative sack lunch meal that meets USDA regulations, and it will be charged to the student's account. After five (5) alternative lunches, the parent will be asked to send a lunch from home.
- A la carte items may not be charged to negative account balances.
- If a child has money to purchase a reduced price or paid meal at the time of meal service, the child must be provided a meal. School Food Authorities may not use the child's money to repay previously unpaid charges if the child intended to use the money to purchase that day's meal.
- Parents will be notified directly of negative account balances.
- All delinquent accounts at the beginning of May of the current school year will be subject to collections for payment per state and/or federal guidelines.

#### Administration

Families are encouraged to apply for free and reduced price meal benefits. Any family that falls into a negative balance will receive a written notice to encourage them to apply for the free or reduced price meal benefits.

Families are encouraged to pre-pay for meals at the school office or through the Infinite Campus parent portal. Pre-payment options will be posted on the District website.

### Zero-Balance Prevention

Parents are responsible for meal payment to the food service program. Notices of low or deficit balances will be sent to parents at regular intervals during the school year. The student may check with the cashiers to see the balance of their account at any time.

- Elementary Students: Notices of overdue accounts may be placed into the child's folder or backpack to be taken home. Singling out students with unpaid meal debt is not allowed.
- Middle School Students: Notices of overdue accounts may be sent home with students.
- High School Students: Administrative assistants may notify students of overdue accounts in the checkout line.

### Refunds for withdrawn or graduating students.

A written request for a refund of any money remaining in their account must be submitted. An e-mail request is also acceptable. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Unclaimed Funds must be requested within one school year. Unclaimed funds will become the property of the Sidney School District Food Service Program.

Legal Reference: <https://www.fns.usda.gov/school-meals/policy>

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265  
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485

Code of Federal Regulations (CFR) Parts 15B, 210 and 220

Adopted on: 8/12/19

Revised on: 6/8/2020

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NONINSTRUCTIONAL OPERATIONS

Procurement Policy for School Food Purchases

The Sidney School District will adhere to the following requirements for any procurement related to food service:

**Purchases:**

- Purchases greater than \$80,000:
  - If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be awarded through a formal bid process and a call for bids or request for proposals shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of avoiding the formal procurement process.
  - The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchase supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

**Bid Specifications:**

The Sidney School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

**Geographic Preference:**

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School Sidney School District may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

**Buy American:**

The District will adhere to “Buy American” for the food service program. Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. However, exceptions are allowed when:

- Food preferences can only be met with foreign goods
- Insufficient quantity and/or quality is available in the USA
- Domestic cost is **significantly** higher

**Standards of Conduct for District Employees:**

- The Sidney School District maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:
- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district's need to obtain quality services and supplies.
- No District employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
  - The employee
  - Any member of his/her immediate family
  - People with whom there is an intimate personal relationship
  - An organization which employs or is about to employ any of the above
- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.
- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Adopted on: 7/1/17

Reviewed on:

Revised on:

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## Sidney School District

### NON-INSTRUCTIONAL OPERATIONS

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#### Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, vapor product, alternative nicotine product or any other tobacco or nicotine delivery innovation.

Use of tobacco products in a public school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member, concerning the risks associated with using tobacco products or in connection with Native American cultural activities.

For the purpose of this policy, “public school building or public school property” means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children, that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school vehicles.

Violation of the policy by students and staff will be subject to actions outlined in District discipline policies.

Use of FDA-approved cessation devices may be permitted at school buildings and on school grounds with the approval of the building administrator.

Legal Reference:	§ 20-1-220, MCA	Use of tobacco product in public school building or on public school property prohibited
	§ 50-40-104(4) (e), MCA	Smoking in enclosed public places prohibited – place where prohibition inapplicable
	ARM 37.111.825(5)	Health Supervision and Maintenance
	42 U.S.C. 1996, 1996a	American Indian Religious Freedom Act

#### Policy History:

Adopted on: 11/09/98

Reviewed on: 6/7/16

Revised on: 7/01/06 (moved from 5225), 7/1/16, 9/9/19, 4/13/20

**Sidney School District**

**NONINSTRUCTIONAL OPERATIONS**

8300

Risk Management

The Board believes that the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

The District will purchase surety bonds for the Clerk, and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the District's financial operations.

Legal Reference:	§ 20-6-608, MCA	Authority and duty of trustees to insure district property
	§ 20-3-331, MCA	Purchase of insurance – self-insurance plan
	§§ 2-9-101, et seq., MCA	Liability Exposure
	§ 2-9-211, MCA	Political subdivision insurance
	§ 2-9-501, MCA	Application – bonds excepted

Policy History:

Adopted on: 12/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016

**NONINSTRUCTIONAL OPERATIONS**

District Safety

For purposes of this policy, “disaster means the occurrence or imminent threat of damage, injury, or loss of life or property”.

The Board recognizes that safety and health standards should be incorporated into all aspects of the operation of the District. Rules for safety and prevention of accidents will be posted in compliance with the Montana Safety Culture Act and the Montana Safety Act. Injuries and accidents will be reported to the District office.

The board of trustees has identified the following local hazards that exist within the boundaries of its school district:

- |                                     |                                  |                               |                           |
|-------------------------------------|----------------------------------|-------------------------------|---------------------------|
| Fire/Explosion                      | Bomb Threat                      | Hazardous Chemical/Substances | Active Shooter            |
| Severe Weather                      | Medical Emergency                | Death or Suicide              | Violence in the Workplace |
| Missing Person-Abduction/Kidnapping | Transportation Incident/Accident |                               |                           |

The Superintendent and District Safety Committee shall design and incorporate drills in its school safety or emergency operations plan to address the above stated hazards. The trustees shall certify to the office of public instruction that a school safety or emergency operations plan has been adopted. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year in a school. All teachers will discuss safety drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. Drills must 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 trustees shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to school safety and security.

The Superintendent will develop safety and health standards which comply with the Montana Safety Culture Act. The Superintendent shall ensure District employees are provided equipment, tools, and devices designed to ensure a safe and healthy workplace in accordance with this policy. Failure to use the provided equipment in a suitable or timely manner may be considered a violation of District policy. If a staff member requires equipment that is not available, an employee may submit a request to the administration in accordance with established District practice.

To ensure a safe school setting and to comply with regulations governing schools in Montana, the following safety measures shall be implemented in the District:

- (a) Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use. Custodial closets, boiler rooms, and other areas where hazardous or poisonous compounds are stored must be inaccessible to students.
- (b) All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.
- (c) Chemicals must be stored as specified by the chemical's Safety Data Sheet.
- (d) The school and school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.
- (e) First aid kits and AEDs must be provided and stored in accessible locations that are easily identifiable to staff and trained personnel.
- (f) Playground and school yards must be inspected every month by the facility manager or other school personnel and the inspection must be recorded and records kept on the school site. Inspections must be conducted using a playground safety checklist approved by the DPHHS.
- (g) Playground inspection results must be made available for review by the local health authority or the DPHHS upon request.
- (h) Periodic maintenance and repair must be performed on playground equipment according to the manufacturer's specifications. Repairs, not including the leveling of fall protection material, must be documented.
- (i) Playground equipment must be maintained in a safe condition.

Legal Reference:	§ 20-1-401, MCA	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§§ 39-71-1501, et seq., MCA 37.111.812, ARM	Montana Safety Culture Act Safety Requirements

Policy History:

Adopted on: 11/09/98

Reviewed on: 6/8/15

Revised on: 7/1/06, 7/1/14, 7/1/15, 7/1/21

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### Accident Form

*To be completed by the instructor or coach; be specific:*

Class/activity/event: \_\_\_\_\_

Name of injured person: \_\_\_\_\_

Age: \_\_\_\_\_ M  F

Phone: \_\_\_\_\_

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

Date/time of accident: \_\_\_\_\_

Supervisor \_\_\_\_\_ in \_\_\_\_\_ charge:  
\_\_\_\_\_

Location \_\_\_\_\_ of \_\_\_\_\_ accident:  
\_\_\_\_\_

Were there witnesses in relation to the accident? Yes  (enter name(s) below) No

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_

How did the accident occur? Describe sequence of events: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Was first aid rendered? Yes

No  If yes, what first aid and by whom?

---

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

8320

#### Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District's protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

#### Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference:      § 20-6-608, MCA      Authority and duty of trustees to insure district property

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016

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## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

8400

#### Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

Legal Reference:	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings – when election required
	§ 20-6-604, MCA	Sale of property when resolution passed after hearing – appeal procedure

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016 (replaces 9261)

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## **Sidney School District**

### **NONINSTRUCTIONAL OPERATIONS**

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#### Operation and Maintenance of District Facilities

The District seeks to maintain and operate facilities in a safe and healthful condition. The facilities manager, in cooperation with principals, fire chief, and county sanitarian, will periodically inspect plant and facilities. The facilities manager will develop a program to maintain the District physical plant by way of a continuous program of repair, maintenance, and reconditioning. Budget recommendations will be made each year to meet these needs and any such needs arising from an emergency.

The facilities manager will formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve District resources in their buildings.

The District shall permit representatives of DPHHS or local health authority to enter any school at any reasonable time for the purpose of making inspections to determine compliance with applicable regulations. DPHHS or local health authority may determine that special circumstances or local conditions warrant inspections with greater or less frequency. Upon receiving a complaint, the local health authority may determine if more inspections are necessary.

Inspections of school facilities shall be done using forms approved by the DPHSS. Inspection records shall be kept on file at the school for at least three years from the time of inspection. Following each inspection, representatives of the DPHHS or local health authority shall give the school administration a copy of an inspection report which notes any deficiencies and sets a time schedule for compliance. The report shall document deficiencies.

The District shall comply with the Building and Fire Safety Codes administered by the State Building Codes Division and the State Fire Marshal or by local building officials.

#### Laundry Facilities

Laundries operated in conjunction with or utilized by the District shall be provided with:

- (a) a mechanical washer and hot air tumble dryer. Manual washing and line drying of towels and other laundry items is prohibited. Dryers shall be properly vented to prevent maintenance problems and buildup of moisture.
- (b) a hot water supply system capable of supplying water at a temperature of 120°F to the washer during all periods of use.
- (c) sufficient separation between the area used for sorting and storing soiled laundry

and the area used for folding and storing clean laundry to prevent the possibility of cross-contamination.

- (a) separate carts for transporting soiled and clean laundry.
- (b) handwashing facilities including sink, soap, and disposable towels. A soak sink may double as a handwashing sink.

Towels and other laundry items shall be machine washed at a minimum temperature of 120°F for a minimum time of ten minutes and dried to greater or equal to 130°F for ten minutes in a hot air tumble dryer.

### Solid Waste and Recycling

In order to ensure that solid waste, including recycling material, is safely stored and disposed of, the School District shall:

- (a) store all solid waste between collections in containers which have lids, are corrosion-resistant, and are constructed to minimize pest attraction and harborage;
- (b) clean all solid waste containers with sufficient frequency to maintain them in a condition which minimizes pest attraction;
- (c) for exterior containers other than dumpsters or compactors, utilize stands which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them. Further, dumpsters or compactors shall be located on or above a smooth surface of non-absorbent material, such as concrete or asphalt, that is maintained in clean and good condition;
- (d) transport, or utilize a private or municipal hauler to transport, the solid waste at least weekly to a landfill site approved by the DEQ in a covered vehicle or covered containers.

### Physical Requirements

The School District shall comply with the following physical requirements:

- (a) Floors, walls, and ceilings in toilet, locker, and shower rooms, laundries, janitorial closets, and similar rooms subject to large amounts of moisture shall be maintained in a smooth and non-absorbent condition. Non-absorbent, non-skid floor matting may be used where appropriate to prevent injury.
- (b) Adequate coat/jacket and book storage for each student shall be provided;
- (c) Livestock and poultry shall be located more than 50 feet from food service areas, offices, or classrooms except those offices and classrooms associated with animal husbandry activities or other demonstrations as approved by the school administration. In classrooms, offices, or food service areas where livestock and

poultry are approved by the administrator, animals shall not have contact with eating or serving surfaces.

Legal Reference:	10.55.908, ARM	School Facilities
	37.111.834, ARM	Solid Waste
	37.111.840, ARM	Laundry Facilities
	37.111.811, ARM	Physical Requirements
	37.111.810, ARM	Inspections
	10.55.701(s), ARM	Board of Trustees
	10.55.701(l), ARM	Board of Trustees

Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016 (replaces BP 9300), 7/1/21

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**NONINSTRUCTIONAL OPERATIONS**

Water Supply Systems and Wastewater

The District shall ensure an adequate and potable supply of water for school buildings and properties by either:

- (a) connecting to a compliant public water supply system; or
- (b) utilizing a non-public system whose construction and use meet the standards published by DPHHS if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant - public water supply system is not accessible. When using a system outlined in this subsection (b) a school shall submit a water sample at least quarterly to a laboratory licensed by the DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS.

A water supply system of a type other than described in subsections (a) or (b) may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by DPHHS or local health authority. When using a system outlined in this paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPPHS, DEQ, or local health authority.

The District shall replace or repair the water supply system serving it whenever the water supply:

- (a) contains microbiological contaminants in excess of the maximum levels acceptable to DPPHS, DEQ, or local health authority.
- (b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

If the District cannot make water under pressure available, the drinking water from an approved source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be provided.

**Flushing and Testing**

The District shall review water systems and features including but not limited to sink faucets, drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create



and implement a flushing program unless it meets the established waiver requirements established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

#### Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

- (a) connecting to a compliant public wastewater system; or
- (b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular-4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

Legal References:    37.111.832, ARM    Water Supply System  
                          ARM Title 17, chapter 38, subchapter 1  
                          17.38.207, ARM    Maximum Microbiological Containment Levels  
                          DEQ Circular FCS 1-2016.  
                          DEQ Circular 4  
                          10.55.701(s), ARM   Board of Trustees  
                          10.55.701(l), ARM   Board of Trustees  
                          10.55.701(q), ARM   Board of Trustees

#### Policy History:

Adopted on: 7/1/21

Reviewed on:

Revised on:

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## Sidney School District

### SCHOOL FACILITIES

8420

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#### District-Wide Asbestos Program

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments, alterations and changes be complied with by all District employees, vendors and contractors. Although the AHERA act is detailed in its regulations regarding the duties of the District, it does not define its responsibilities to any lower level. The purpose of this policy is to define those individuals responsible for various requirements of the AHERA act, set time tables for compliance the provisions of the act, and to set general guidelines involving the District's compliance in those areas that are non-mandatory in the act.

#### Designated Person

The Board shall appoint a designated person as required in 40 CFR Part 763.80. This person shall be fully cognizant of the AHERA and specifically shall:

1. be in a position to understand the financial requirements available to the District and procurement procedures of the District;
2. seek adequate training to perform all duties assigned under this policy; such training shall provide as necessary basic knowledge of:
  - a. the health effects of asbestos;
  - b. detection, identification and assessment of asbestos-containing materials (ACM);
  - c. options for controlling asbestos- containing building materials (ACBM);
  - d. asbestos management programs; and
  - e. follow all federal and state regulations concerning asbestos, including those of the Occupational Safety & Health Administration, the U.S. Department of Labor, the U.S. Department of Transportation and the U.S. Environmental Protection Agency.
3. supervise the preparation and implementation of an asbestos management plan;
4. make decisions regarding which response actions comply with the act;
5. know and direct what to do in the event of a ACM fiber release;
6. ensure proper training of District custodial personnel as required by the act;
7. ensure that all employees, building occupants, or their legal guardians are informed at least once each school year about inspections, response actions and post-response activities including periodic reinspection and surveillance activities that are planned or in progress;

8. aid in the design and implementation of the operation and maintenance portion of the asbestos program;
9. ensure that items in need of action after inspection are immediately cleaned as required by the act;
10. ensure that warning labels are in place as required by the act;
11. ensure that the three year re-inspections occur on time and in accordance with the act;
12. assist principals in notifying the parents, teachers and staff of inspections, response actions and re-inspection;
13. inspect any personnel involved in a response action activity;
14. ensure that the management plan is updated as required by the act;
15. maintain records of the following:
  - a. all employee training;
  - b. all inspections and periodic surveillances;
  - c. all cleaning of friable areas;
  - d. all disturbances of friable ACM by short term workers and others;
  - e. all minor and major fiber releases;
  - f. all minor and major abatements;
  - g. the transportation and burial of all asbestos.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/2016

Revised on: 7/1/2016 (replaced 9350)

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## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

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#### Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the Sidney School District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

“*Renovation*” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

#### Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Superintendent with EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
  - (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.
  - (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how

interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

4. The renovation company must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

#### Recordkeeping Requirements \*

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

*\*Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).*

Legal Reference:      40 CFR Part 745, Subpart E    Lead-based paint poisoning in certain residential structures  
                                 15 U.S.C. 2682 and 2886      Toxic Substances Control Act, Sections 402 and 406

#### Policy History:

Adopted on: 5/9/11

Reviewed on:

Revised on: 7/1/21

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## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

8425

#### Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Sidney School District will permit the use of service animals by an individual with a disability according to federal regulations. The School District will honor requests for service animals in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The work or tasks performed by a service animal must be directly related to the handler's disability.

Examples of work or tasks performed by the service animal to accommodate an identified disability include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:	Policy 8425P	Procedure for allowance of service animals
	Policy 2161	Special Education
	Policy 2162	Section 504 of the Rehabilitation Act of 1973
Legal Reference:	28 CFR 35.136	Service Animals
	28 CFR 35.104	Definitions
	49-4-203(2), MCA	Definitions

#### Policy History:

Adopted on: 6/29/11

Reviewed on: 3/2/2013

Revised on: 4/8/2013, 1/13/2020

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Service Animal Allowance Procedure

The School District will honor requests for service animals by students or staff in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

*Inquiries:* The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

*Exclusions:* The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

*Surcharges:* The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

*Miniature horses assessment factors:* In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Policy History:

Promulgated on: 6/29/11

Revised on: 1/13/2020

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**NONINSTRUCTIONAL OPERATIONS**

Records Management

The District will retain, in a manner consistent with applicable law and the state's *Rules for Disposition of Local Government Records*, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, "records" are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.



### Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

### Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Cross Reference:     1402            School Board Use of Electronic Mail  
                          3600, 3600P    Student Records  
                          5231, 5231P    Personnel Records  
                          5450            Employee Electronic Mail and On-Line Services Usage

Legal Reference:    Montana Secretary of State (Rules for Disposition of Local Government  
                          Records)  
                          Federal Rules of Civil Procedure (FRCP)  
                          § 2-6-403, MCA     Duties and responsibilities  
                          § 20-1-212, MCA    Destruction of records by school officer  
                          § 20-9-215, MCA    Destruction of certain financial records  
                          24.9.805 (4), ARM   Employment Records

### Policy History:

Adopted on: 7/1/07

Reviewed on: 6/7/2016

Revised on: 7/1/09, 4/12/10, 7/1/16

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## **Sidney School District**

### **NONINSTRUCTIONAL OPERATIONS**

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#### Computer Software

The unauthorized copying of any computer software which is licensed or protected by copyright is theft, and thus unethical.

Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by the copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Respect for the intellectual work and property of others has traditionally been essential to the mission of education institutions. The District does not tolerate plagiarism, and does not condone the unauthorized copying of software, including programs, applications, databases and code.

#### Policy History:

Adopted on: 11/9/98

Revised on: 5/9/11

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## Sidney School District

### NONINSTRUCTIONAL OPERATIONS

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#### Automated External Defibrillators (AED)

The Board of Trustees of the Sidney School District recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The Board has purchased one or more of these units for use by qualified personnel. The Board of Trustees approves the use of AED units, subject to the following conditions:

1. Establish a program for the use of an AED that includes a written plan that must specify:
  - Where the AED will be placed;
  - The individuals who are authorized to operate the AED;
  - How AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;
  - The medical supervision that will be provided;
  - The maintenance that will be performed on the AED;
  - Records that will be kept by the program;
  - Reports that will be made of AED use;
  - The name, location, and telephone number of a Medical Supervisor designated to provide medical supervision of the AED program; and
  - Other matters as specified by the Department of Public Health and Human Services;
2. Adhere to the written plan required by subsection (1);
3. Ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the proper use of an AED;
4. Maintain, test, and operate the AED according to the manufacturer's guidelines and maintain written records of all maintenance and testing performed on the AED;
5. Ensure that the physician or other individual designated by the physician to supervise the AED program supervises the AED program to ensure compliance with the written plan, this part, and rules adopted by the District and reviews each case in which the AED is used;
6. Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the District as required by the written plan;
7. Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
  - a. A copy of the plan prepared pursuant to this section; and
  - b. Written notice, in a format prescribed by the DPHHS rules, stating:
    - i. That an AED program has been established by the District;
    - ii. Where the AED is located; and

- iii. How the use of the AED is to be coordinated with the local emergency medical service system.

### Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that results from that care or treatment.

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used, unless the individual using the AED or the person providing CPR, as applicable, acts with gross negligence or with willful or wanton disregard for the care of the person upon whom the AED is or may be used.

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

- a. A person providing medical oversight of the AED program, as designated in the plan;
- b. The entity responsible for the AED program, as designated in the plan;
- c. An individual providing training to others on the use of an AED.

Legal Reference:	Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)
	§50-6-501, MCA Definitions
	§50-6-502, MCA AED program – requirements for AED use
	§50-6-503, MCA Rulemaking
	§50-6-505, MCA Liability limitations

### Policy History:

Adopted on: 7/1/2007

Reviewed on: 5/9/11

Revised on: 5/9/11

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