

**LEWISTOWN PUBLIC SCHOOLS
BOARD OF TRUSTEES**

LINCOLN BOARD ROOM

215 Seventh Avenue South
Lewistown, Montana 59457

MONDAY, October 12, 2020

REGULAR BOARD MEETING

PAGE 1 OF 2

Meeting ID

meet.google.com/hua-dbzi-rfn

Phone Numbers

(US)+1 401-903-3668

PIN: 401 179 715#

CALL TO ORDER (6:00 P.M.)

1. Pledge of Allegiance
2. Roll Call
3. Motion to Set Agenda
4. Report – Student Representative
5. Report - LEA
6. Report—Committees of the Board
7. Calendar Items, Concerns, Correspondence, Etc.

SUPERINTENDENT'S REPORT

8. Report—Investment
9. Report—Superintendent

PUBLIC PARTICIPATION

10. Recognition of Parents, Patrons, and Others Who Wish to Address the Board

ACTION ITEMS

MINUTES

11. Minutes of the September 14, 2020, Regular Board Meeting

APPROVAL OF CLAIMS

12. Claims

INDIVIDUAL ITEMS

13. Approve Memorandum of Agreement between Lewistown Public Schools and the Lewistown Education Association
14. Approve Second Reading---Board Policy 3210 ---Equal Education, Non-Discrimination and Sex Equity.
15. Approve Second Reading---Board Policy 3225 ---Sexual Harassment/Intimidation
16. Approve Second Reading---Board Policy 3225F --Harassment Complaint Report Form
17. Approve Second Reading---Board Policy 3225P ---Sexual Harassment Grievance Procedure
18. Approve Second Reading---Board Policy 3226 --Bullying/Hazing/Intimidation/Menacing
19. Approve Second Reading—Board Policy 5010 --Equal Employment Opportunity and Non-Discrimination
20. Approve Second Reading—Board Policy 5012 -- Sexual Harassment/Sexual Intimidation in the Workplace
21. Approve Second Reading—Board Policy 5012F—Harassment Complaint Form

**LEWISTOWN PUBLIC SCHOOLS
BOARD OF TRUSTEES**

LINCOLN BOARD ROOM

215 Seventh Avenue South
Lewistown, Montana 59457

MONDAY, October 12, 2020

REGULAR BOARD MEETING

CONTINUED PAGE 2

- 22. Approve Second Reading—Board Policy 5012P—Harassment Grievance Procedure
- 23. Approve Second Reading—Board Policy 5015—Bullying/Harassment/Intimidation
for Employees
- 24. Approve Additions to the Substitute List for 2020-2021 School Year
- 25. Approve Personnel Report

ADJOURNMENT

*A hard copy of the complete Agenda is available at the LPS Central Office
or, on the Lewistown Public Schools Website:
<http://www.lewistown.k12.mt.us/content/266>*

PUBLIC PARTICIPATION

The Board of Education encourages participation at public School Board meetings. Under normal circumstances it is desirable to allow everyone to address the Board. However, when there are many persons who wish to address the Board, the following rules shall apply to protect the public's right to be heard:

- Speaker must first be recognized by the Chair and identify him/herself.
- Comments may not infringe on the rights to privacy of another.
- Each speaker shall be allowed a presentation not to exceed three (3) minutes at the appropriate time on the Agenda.
- There will be a limit of one presentation per person.
- The Board requests that organizations and groups be represented by a single spokesperson. The spokesperson for each group shall be limited to a presentation of three (3) minutes. To save repetition and time, the Board also requests that persons not speak if a previous speaker has expressed a similar position on the same issue.
- Appropriate comments are welcome but no action is likely to be taken at this time to ensure that others have the opportunity to address the same issue also. Items discussed may, at the discretion of the Board, be placed on a later agenda.
- The Board will accept comments from the public on each agenda item as it is discussed.

By a majority vote of the Board, these rules may be suspended for special reasons at any particular meeting. Further, the Board may reserve the right to adjust the length of time.

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

4

☐ Minutes/Claims ☒ Board of Trustees ☐ Superintendent's Report ☐ Action – Consent
☐ Action – Indiv.

ITEM TITLE: REPORT—STUDENT REPRESENTATIVE

Requested By: Board of Trustees **Prepared By:** Cooper Birdwell

SUMMARY:

Fergus High School Student Representative to the Board of Trustees will provide a report on upcoming activities at Fergus High School.

SUGGESTED ACTION: Informational

☐ Additional Information Attached

NOTES:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

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☐ Minutes/Claims ☒ Board of Trustees ☐ Superintendent's Report ☐ Action – Consent
☐ Action – Indiv.

ITEM TITLE: REPORT—LEWISTOWN EDUCATION ASSOCIATION (LEA)

Requested By: Board of Trustees **Prepared By:** LEA REPRESENTATIVE

SUMMARY:

The Lewistown Education Association (LEA) would like to update the Board of Trustees on the activities and happenings for their organization.

SUGGESTED ACTION: Informational

☐ Additional Information Attached

NOTES:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

6

☐ Minutes/Claims ☒ Board of Trustees ☐ Superintendent's Report ☐ Action – Consent
☐ Action – Indiv.

ITEM TITLE: REPORT—COMMITTEES OF THE BOARD

Requested By: Board of Trustees **Prepared By:** Committee

SUMMARY:

The Board of Trustees has the opportunity to provide updates on their various committees.

Attached is the list for Standing Committees of the Board for the 2020-2021 School Year.

SUGGESTED ACTION: Informational Report

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

STANDING COMMITTEES OF THE BOARD
2020-2021 School Year

Committee	Number on Comm.	CJ Bailey	Kris Birdwell	Doreen Heintz	Phil Koterba	Jeff Southworth	Jennifer Thompson	Monte Weeden
Building & Grounds	3	X			X			X
Insurance Risk Committee	2		X				X	
Transportation	3			X		X		X

OTHER COMMITTEES WITH BOARD REPRESENTATION
2020-2021 School Year

Committee	Number on Comm.	CJ Bailey	Kris Birdwell	Doreen Heintz	Phil Koterba	Jeff Southworth	Jennifer Thompson	Monte Weeden
Activities	2			X		X		X
Curriculum Committees:								
English Language Arts	1				X			
Math	1			X				
Health Insurance Program	2					X	X	
School Calendar	1	X						
Vocational Advisory Council	1					X		
Gaining	3		X	X			X	
Policy Review	3	X			X		X	
Assessment	1			X				
Classified Salary/Benefit Review	2					X		X

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

7

☐ Minutes/Claims ☒ Board of Trustees ☐ Superintendent's Report ☐ Action – Consent
☐ Action – Indiv.

ITEM TITLE: CALENDAR ITEMS, CONCERNS, CORRESPONDENCE, ETC.

Requested By: Board of Trustees Prepared By: Committee

SUMMARY:

2019 - Youth Risk Behavior Survey

SUGGESTED ACTION:

☐ Additional Information Attached Estimated cost/fund source _____

NOTES:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

8

☐ Minutes/Claims ☒ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☐ Action - Indiv.

ITEM TITLE: REPORT—INVESTMENT

Requested By: Superintendent **Prepared By:** Rebekah Rhoades

SUMMARY:

Interest earned and distributed for September 2020 was not available at the time of posting.

SUGGESTED ACTION: Informational

☐ Additional Information Attached Estimated cost/fund source _____

NOTES:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

9

☐ Minutes/Claims ☐ Board of Trustees ☒ Superintendent's Report ☐ Action - Consent
☐ Action - Indiv.

ITEM TITLE: Superintendent Report

Requested By: Superintendent **Prepared By:** Thom Peck

SUMMARY:

Time is provided on the agenda for the Superintendent to discuss with the Board any calendar items, concerns, correspondence, future agenda items, and announcements.

Official Enrollment #'s for October Count Day:

K-6 = 652 (662), 7-8 = 165 (187), 9-12 = 332 (306) TOTAL = 1149 (1155)

Gaining Committee Board Members – Language and Salary Schedule (“Frozen Lanes”) January Meet

TEAMS Report

Annual Budget Audit

Cushing-Terrell Presentation in November

End of 1st Quarter – Friday, October 25th...P/T Conferences November 6-7; No School Nov. 8 Virtual?

School Bus Safety Week – October 19-23; Red Ribbon Week – October 28 - November 1

Flu Shots Schedule – Garfield on Oct. 26th 8am - Noon, HP on Oct. 27th 8am - Noon, FHS on Oct. 28th 8 am – Noon and LJH 7:45am – 11 am/L&C on Oct. 29 12:30 – 3pm

5C District Volleyball October 29-31; Southern C Divisional Volleyball November 5-7 & State C Volleyball November 12-14??

Home/Post Season Athletic Events:

October 16 – XC Divisionals at Pine Meadows GC

October 19 – FHS Froshmore FB v Laurel 4pm

October 20 – FHS VB v. Billings Central @ 4 p.m.

*FB @ Sidney – Tues. Oct. 20, 5 p.m.

October 23 – FHS VB v. Sidney 1 pm

October 23 – FHS FB v. Dawson County 7 pm

October 24 - XC STATE @ Kalispell Rebecca Farms

October 24 – FB v. Dawson 1 pm

October 31 – FB 1st Round of Playoffs TBA

SUGGESTED ACTION: Informational

☐ **Additional Information Attached**

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

10

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☐ Action - Indiv.

ITEM TITLE: RECOGNITION OF PARENTS, PATRONS, AND OTHERS WHO WISH TO ADDRESS
THE BOARD ON NON-AGENDA ITEMS

Requested By: Board of Trustees Prepared By: _____

SUMMARY:

Time is provided on the agenda for anyone who wishes to address the Board.

SUGGESTED ACTION:

☐ Additional Information Attached Estimated cost/fund source _____

NOTES:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

11

☒ **Minutes/Claims** ☐ **Board of Trustees** ☐ **Superintendent's Report** ☐ **Action - Consent**
☒ **Action - Indiv.**

ITEM TITLE: MINUTES

Requested By: Board of Trustees **Prepared By:** Rebekah Rhoades

SUMMARY:

The following minutes are attached for your approval:

- Minutes of the September 14, 2020 Regular Board Meeting

SUGGESTED ACTION: Approve Minutes as Presented

☒ **Additional Information Attached** **Estimated cost/fund source** _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Southworth						
Thompson						
Heintz						
Weeden						

**MINUTES
LEWISTOWN PUBLIC SCHOOLS
BOARD OF TRUSTEES**

LINCOLN BOARD ROOM and Google Meet
215 Seventh Avenue South
Lewistown, Montana 59457

MONDAY, September 14, 2020

REGULAR BOARD MEETING

CALL TO ORDER (6:00 p.m.)

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL

TRUSTEES PRESENT:

Phil Koterba, Kris Birdwell, Monte Weeden, Jeff Southworth, Jennifer Thompson, Doreen Heintz

TRUSTEES ABSENT:

CJ Bailey

STAFF PRESENT:

Superintendent Thom Peck, Business Manager/District Clerk Rebekah Rhoades, Luke Brandon—LEA President, Tim Majerus

OTHERS PRESENT:

Heidi Weber – KXLO Radio, Cooper Birdwell – Student Representative and other interested parties.

AGENDA CHANGES

3. MOTION TO SET AGENDA - Approved unanimously (Birdwell/Thompson)

PRESENTATIONS AND RECOGNITION OF GUESTS

4. Recognition – Introduction of New Teachers
New teachers for the 2020-21 school year were introduced to the Board.
5. Recognition – Fergus High School FFA Officers
Bailey Uecker and James Aldrich, along with Jared Long, FFA Advisor, introduced the FFA Officers for 2020-21.
6. Report—Student Representative
Cooper Birdwell, Student Representative to the Board, reported on upcoming activities at Fergus High School.
7. Report – LEA
Luke Brandon, President of the Lewistown Education Association (LEA) updated the Board of Trustees on the activities and happenings for their organization.
8. Report—Committees of the Board
The Activities Committee met last week with Paul Bartos, Athletic Director. He explained what the Division is currently doing in regards to games and COVID. Decisions regarding the admission of fans to games was also shared.
9. Calendar Items, Concerns, Correspondence, Etc.
Superintendent Peck shared the following with the Board of Trustees:
 - Letter from OPI Superintendent
 - MHSA Letter
 - Susie Flentie Donors Choose project
 - Protocol for Student/Staff positive COVID-19 Test
 - Administrative 20 Day Plans

SUPERINTENDENT'S REPORT

10. Report—Investment
Interest earned and distributed for August 2020 was \$3,367.10 in the Elementary and \$3,611.13 in the High School for a total of \$6,978.23.
11. Report—Superintendent
Superintendent Thom Peck reported on first day enrollment for the District. Board Tours will take place in the next two weeks. CTA will be at the October Board Meeting. Board Members wanting to attend MCEL need to let Mr. Peck know if they plan to attend by September 21st. The number of Out of District students was reported. The District will be using the Summer Food Service waiver for the Summer Food Program starting October 1st. Mr. Peck updated the Board on dates and events taking place throughout the District.

PUBLIC PARTICIPATION

12. Recognition of Parents, Patrons, and Others Who Wish to Address the Board on Non-Agenda Items
There was no public participation.

ACTION ITEMS

MINUTES

13. Minutes of the August 12, 2020, Regular Board Meeting
Minutes of the August 25, 2020, Special Board Meeting
– Approved unanimously (Weeden/Southworth)

APPROVAL OF CLAIMS

14. Claims -- the claims referenced in the 2020-2021 Bill Schedule and submitted through September 11, 2020, were approved unanimously (Weeden/Thompson). The Finance Committee for October-December 2020 will be Board Chair Phil Koterba, Kris Birdwell, Jeff Southworth, and Monte Weeden.

INDIVIDUAL ITEMS

15. Approve Purchase and Installation of a District Wide Phone System – Approved unanimously (Weeden/Thompson)
16. Approve First Reading – Board Policy 3210 –Equal Education, Non-discrimination and Sex Equity – Approved unanimously (Birdwell/Heintz)
17. Approve First Reading – Board Policy 3225 –Sexual Harassment/Intimidation – Approved unanimously (Heintz/Thompson)
18. Approve First Reading – Board Policy 3225F –Harassment Complaint Report Form – Approved unanimously (Weeden/Thompson)
19. Approve First Reading – New Board Policy 3225P – Sexual Harassment Grievance Procedure – Approved unanimously (Southworth/Weeden)
20. Approve First Reading – Board Policy 3226 – Bullying/Hazing/Intimidation/Menacing – Approved unanimously (Thompson/Heintz)
21. Approve First Reading – Board Policy 5010 – Equal Employment Opportunity and Non-Discrimination – Approved unanimously (Thompson/Weeden)
22. Approve First Reading – Board Policy 5012 – Sexual Harassment/Sexual Intimidation in the Workplace – Approved unanimously (Heintz/Thompson)
23. Approve First Reading – Board Policy 5012F –Harassment Complaint Form – Approved unanimously (Southworth/Birdwell)
24. Approve First Reading – New Board Policy 5012P –Harassment Grievance Procedure – Approved unanimously (Weeden/Thompson)
25. Approve First Reading – New Board Policy 5015 –Bullying/Harassment/Intimidation for Employees – Approved unanimously (Southworth/Thompson)
26. Approve Second Reading – Board Policy 1910 – COVID-19 Emergency Measures – Personnel Use of Leave with the amendment to change the 80 hours in the highlighted paragraph to 40 hours – Approved unanimously (Birdwell/Weeden)
27. Approve Out-Of-District Student Attendance Agreement Requests for Placement inside/outside the Lewistown Public Schools – Approved unanimously (Weeden/Koterba)

28. Approve Additions to the Substitute List for the 2020-2021 School Year – Approved unanimously (Thompson/Weeden)
29. Approve Personnel Report – See Exhibit A – Approved unanimously (Heintz/Thompson)

ADJOURNMENT

The meeting was adjourned at 7:11 p.m (Thompson). The next regular meeting will be held at 6:00 p.m. on Monday, October 12, 2020, at the Lincoln Board Room.

PHILLIP R. KOTERBA
BOARD CHAIR

REBEKAH RHOADES
BUSINESS MANAGER/CLERK

EXHIBIT 'A'

**LEWISTOWN PUBLIC SCHOOLS
LEWISTOWN, MONTANA**

Monday September 14, 2020

EMPLOYEE NAME	POSITION	LOCATION	RECOMMENDED ACTION	EFFECTIVE DATE	RECOMMENDED BY	COMMENTS
BRADSHAW, Cynthia	Food Server/Kitchen Aide	Fergus High School	Approve appointment on schedule-FOOD SERVER/KITCHEN AIDE Step 0 for up to 3 hours per day for 5 days per week for up to 162 days	9/15/2020	Amie Friesen	Replacing Lynette Scott
EVANS, Julie	Food Server/Kitchen Aide	Highland Park School	Accept Letter of Resignation	9/10/2020	Amie Friesen	Letter of Resignation Received
FLESCHE, Dennis	Custodian	Fergus High School	Approve appointment on schedule-MAINTENANCE II ACTIVITY CUSTODIAN-Step 0 for up to 8 hours per day for 5 days per week for up to 217 days	8/31/2020	Jason Fry	New Position
HENSON, McKayla	Special Ed Paraprofessional	Garfield School	Approve appointment on schedule-PARA EDUCATOR- Step 0 for up to 7.5 hours per day for 5 days per week for up to 186 days	8/26/2020	Matt Lewis	Replacing Jenaye Phillips
HUTCHINS-GAFFNEY, Mandie	Special Ed Aide	Highland Park School	Accept Letter of Resignation	9/11/2020	Matthew Ventresca	See Attached Letter
RECOMMENDATIONS FOR ACTIVITIES AND ATHLETICS	Extra Curricular Assignments	Jr. High School	Approve appointment on schedule as recommended on attachment	8/26/2020	Paul Bartos and Jeff Friesen	See Attached Letter
ROBERTSON, Faith	Food Server/Kitchen Aide	Garfield School	Approve appointment on schedule-FOOD SERVER/KITCHEN AIDE Step 0 for up to 3.75 hours per day for 5 days per week for up to 180 days	9/2/2020	Amie Friesen	Replacing Tosha Grammond
SAUNDERS, Benjamin	Paraprofessional	Jr. High School and Fergus High School	Approve appointment on schedule-PARA EDUCATOR- Step 0 for up to 7.5 hours per day for 5 days per week for up to 158 days	9/28/2020	Jeff Friesen/Tim Majerus	New Position
WRIGHT, Elizabeth	Classroom Volunteer	Jr. High School	Volunteer Position: No Contract	9/8/2020	Jeff Friesen	

LEWISTOWN PUBLIC SCHOOLS
LEWISTOWN, MONTANA

Monday September 14, 2020

EMPLOYEE NAME	POSITION	LOCATION	RECOMMENDED ACTION	EFFECTIVE DATE	RECOMMENDED BY	COMMENTS
ZIMBELMAN, Devin	Custodian	Fergus High School	Approve appointment on schedule -MAINTENANCE II-Step 0 for up to 8 hours per day for 5 days per week for up to 203 days	9/21/2020	Jason Fry	Replacing James Wright who transferred to Central Office and Jr. High

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

12

☒ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☐ Action - Indiv.

ITEM TITLE: CLAIMS

Requested By: Board of Trustees Prepared By: LuAnn Schrauth

SUMMARY:

Approve claims paid through October 9, 2020, as approved by the Finance Committee.

Members of the Finance/Claims Committee for October-December 2020 include: Board Chair Phil Koterba, Kris Birdwell, Jeff Southworth, and Monte Weeden.

SUGGESTED ACTION: Approve Claims as Presented

☐ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Southworth						
Thompson						
Heintz						
Weeden						

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

13

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE MEMORANDUM OF AGREEMENT BETWEEN LEWISTOWN PUBLIC SCHOOLS AND THE LEWISTOWN EDUCATION ASSOCIATION ON THE FAMILIES FIRST COVID RESPONSE ACT

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the attached Memorandum of Agreement between the Lewistown Education Association and the Lewistown Public Schools that addresses teachers leave when they are unable to teach remotely. The CBA currently allows leave to only be taken in 1/2 day increments and to accommodate provisions of the FFCRA the need to be allowed to take it in 1/3 day increments. Information that has been added has been highlighted.

SUGGESTED ACTION: Approve Memorandum of Agreement with Lewistown Public Schools and the Lewistown Education Association

☒ Additional Information Attached

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Southworth						
Thompson						
Heintz						
Weeden						

**K-12 Certified Bargaining Unit
MODEL MEMORANDUM OF AGREEMENT BETWEEN
LEWISTOWN SCHOOL DISTRICT #1 (“District”)
AND THE
LEWISTOWN EDUCATION ASSOCIATION (“Association”)**

Given the extraordinary circumstances and challenges presented by the COVID-19 pandemic, the District and Association are entering into this Memorandum of Agreement (MOA), pursuant to which the parties agree as follows:

1. Term of Agreement: This MOA shall take effect immediately upon the signature of both parties below, and shall remain in effect until December 31, 2020, unless revoked earlier by joint written agreement of the parties. Upon expiration of the term of the agreement, or upon joint written revocation by the parties, this MOA shall be of no further force and effect, and shall be removed from the CBA in the event that it has been attached thereto.

2. Effect on CBA and Conditions of Employment: During the term of this MOA, this MOA modifies only those working conditions addressed herein. All provisions of the bargaining agreement not modified herein shall remain in full force and effect.

3. Health and Safety Plan: In accordance with the Governor’s School Reopening Guidelines and/or the District’s policies and procedures, the District will provide training on the district’s health and safety plan. Any/all training outside the adopted school year calendar will be compensated at the teachers’ daily pay rate.

4. The Worksite: The District and all teachers shall follow CDC recommendations and comply with all state and county health directives for maintaining workplace safety and the safety of students (e.g., social distancing, etc.) as set forth in District policy or procedure. The District shall provide Personal Protective Equipment (PPE) necessary to conform to CDC guidelines, adequate cleaning supplies, including cleaning solutions that are shown to kill the virus, hand soap, and if available, hand sanitizer.

5. The Workday: A teacher’s workday shall be of a similar length to that which is considered a normal duty day for that teacher and prorated for those working part time.

6. Compensation and Benefits: The District shall compensate and shall also maintain all health and other benefits for all teachers performing designated job duties through teleworking approved by the District, as if those teachers are on site attending to their normal and regular duties.

7. Leave:

A. Teachers satisfying any of the below conditions who are unable to perform their regular teaching duties remotely may, at the discretion of the District, be temporarily assigned to other duties which may be performed remotely.

- (a) Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (b) Has been advised by a health care provider to self-quarantine related to COVID-19;
- (c) Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- (d) Is caring for an individual subject to an order described in (a) or self-quarantine as described in (b); or
- (e) Has been advised by a health care provider to work from home because they are at higher than normal risk for contracting COVID-19 due to age or an underlying medical condition;

The District shall be entitled to request medical documentation of any of the above circumstances. Approved leave taken for any reason other than the above circumstances shall be deducted from the appropriate type of leave accrued by the bargaining unit member.

Teachers who are unable to perform their regular teaching duties remotely and to whom the District does not assign alternate duties shall be provided paid leave in accordance with Families First Coronavirus Response Act (FFCRA) or any subsequent federal or state legislation providing for additional paid leave days. An additional 5 days (not to exceed 40 hours) of paid leave through the FFCRA shall be granted to Teachers that meet the criteria laid out in section 7a through 7e. Teachers will also have access to any and all accrued sick or other leave provided under the applicable Collective Bargaining Agreement **in no less 0.33 day increments, pertaining to condition 7(d) above.**

B. A teacher whose child's school or childcare provider is closed or unavailable for reasons related to COVID-19 and is unable to obtain alternative childcare may, at the discretion of the District, be entitled to work remotely. Teachers satisfying the above conditions who are unable to perform their regular teaching duties remotely may, at the discretion of the District, be temporarily assigned to other duties which may be performed remotely.

Teachers who are unable to perform their regular teaching duties remotely and to whom the District does not assign alternate duties shall be provided paid leave in accordance with Families First Coronavirus Response Act (FFCRA) or any subsequent federal or state legislation providing for additional paid leave days. Teachers will also have access to any and all accrued sick or other leave provided under the applicable Collective Bargaining Agreement **in no less than 0.33 day increments for the reasons in this section.**

The District shall be entitled to request documentation of any of the above circumstances. Approved leave taken for any reason other than the above circumstances shall be deducted from the appropriate type of leave accrued by the bargaining unit member.

C. Should the FFCRA expire with no successor legislation providing for COVID-related leave in effect, the District agrees to continue to offer the same two categories of leave addressed in the FFCRA, under the same conditions, restraints, and qualifications set forth in the FFCRA, until expiration of the term of this agreement, or until such time as the FFCRA is renewed or similar legislation providing for COVID-related leave is enacted, whichever occurs first. Teachers that have already exhausted FFCRA leave options will not be entitled to access the leave created by this paragraph. Should successor legislation be enacted providing for less leave than is provided by the FFCRA, the parties agree to reopen and bargain the leave provisions of this MOA.

D. Any teacher who falls under one or more of the circumstances set forth in A or B above and exhausts all FFCRA leave, the additional 5 days (not to exceed 40 hours) of District Emergency Sick Leave, and accrued paid leave shall have access to a sick leave bank established through the collective bargaining agreement, District policy.

8. Performance of Duties:

A. Any teacher working remotely due to quarantine, providing childcare for his/her children, caring for a member of the teacher's family, or if the teacher is at higher than normal risk of contracting COVID-19 due to age or underlying medical condition(s) (such as heart disease, lung disease, or diabetes), shall stay in contact with their immediate supervisor during this period of time through email and phone.

B. Whether working remotely or on site and adhering to the workday language in section 2 above, bargaining unit members are expected to work cooperatively with their grade level and/or department members to create materials for students. Teachers may be asked to plan for and implement ongoing on-line or other digital learning and services for their students. Additionally, teachers shall work with the District to maintain connectivity to students and parents from a remote work location or from their classrooms.

9. Extra-duty/Extra-Curricular: The District and teachers holding Extra Curricular contracts will determine the number of weeks for each extracurricular activity from the starting date to the conclusion of the duty. Salaries assigned to these positions will be divided by the number of weeks determined and teachers will be paid for each week of the activity during which job duties are performed at the end of that particular activity season. If the District or any local, state or federal official determines the extra-curricular activity must stop, the District may stop paying the extra-curricular salary attached to that/those positions.

For Co-Curricular Activities, i.e. FFA, BPA, FCCLA, Science Olympiad, etc. stipends will be prorated according the number of pupil instruction days or 179 days in the 2020-21 school calendar in the case of any activity event cancelations.

The parties agree that in the event a season is cancelled and the employee has received compensation that exceeds that amount owed for number of days worked, the parties will implement a repayment plan for the employee to return any amount of overpayment.

10. Making up lost instructional time: The District shall follow state and federal guidelines for waivers related to COVID-19. Should the State of Montana direct school closures and/or that the District make up student instructional time, the parties shall bargain over such changes to the school calendar and/or workday.

11. State and Federal laws: All state and federal laws, rules and regulations shall apply during this time unless specifically waived by the governing authority.

12. Precedent: This Agreement shall not be used as precedent or cited as practice by either the Board or the Association in any proceeding whatsoever except to enforce the terms of this Memorandum of Agreement.

THIS AGREEMENT is signed and dated this _____ day of _____ 2020.

FOR THE LEWISTOWN SCHOOL DISTRICT #1:

Board Chair

Superintendent

*FOR THE LEWISTOWN EDUCATION
ASSOCIATION:*

President

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

14

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF DISTRICT POLICY 3210 – EQUAL EDUCATION, NON-DISCRIMINATION AND SEX EQUITY

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of Board Policy # 3210 – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

STUDENTS

3210

Equal Educational Opportunity, Nondiscrimination, and Sex Equity

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

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

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

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

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against students, staff, or volunteers with disabilities. The District will consider such

behavior as constituting discrimination on the basis of disability, in violation of state and federal law.

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

15

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 3225 – SEXUAL HARASSMENT/INTIMIDATION OF STUDENTS

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of an updated board Policy # 3225 – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

STUDENTS

3225

Sexual Harassment of Students

(Page 1 of 3)

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

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

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

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

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

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

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged

harassment, the individual may report the allegations to the building principal or superintendent or other unbiased school official.

Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an

investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of

Page 3 of

3

the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

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

Determination of Responsibility

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

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

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

Policy History:

Adopted on:

Reviewed on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

16

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 3225F – SEXUAL HARASSMENT COMPLAINT REPORT FORM -STUDENTS

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of an updated board Policy # 3225F – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

<i>Board Action</i>	Motion	Second	Aye	Nay	Abstain	Other
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

3

Sexual Harassment Reporting/Intake Form for Students

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7 School _____ Date _____

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9 Student's name _____

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11 • Who was responsible for the harassment or
incident(s)? _____

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14 • Describe the incident(s). _____

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• Date(s), time(s), and place(s) the incident(s)
occurred. _____

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22 • Were other individuals involved in the incident(s)? ☐ yes ☐ no

23 If so, name the individual(s) and explain their roles. _____

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• Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. _____

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45 Signature of complainant _____

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47 Signatures of parents/legal guardians _____

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49 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will 50 remain confidential in accordance with law and policy.*

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

17

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 3225P – SEXUAL HARASSMENT GRIEVANCE PROCEDURE

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the new board Policy # 3225P – and consider adoption of said policy.

SUGGESTED ACTION: Approve Board Policy 3225P Sexual Harassment Grievance Procedure

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

STUDENTS

3225P
page 1 of 9

Sexual Harassment Grievance Procedure - Students

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

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

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

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

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

District Requirements

When the District has actual knowledge of sexual harassment in an education program or activity of the District, the District will respond promptly in a manner that is not deliberately indifferent.

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

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

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

Timelines

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

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District. The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not

supportive measures. However, nothing in this policy precludes the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. A period of removal may include the opportunity for the student to continue instruction in an offsite capacity. The District may also place a non-student employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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

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

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

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

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

Investigation of a Formal Complaint

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

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

Dismissal of Formal Complaints

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

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

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District or;
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

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

Investigative Report

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

Decision-Maker's Determination

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

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must

hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

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

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

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

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

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion.

Appeals

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

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

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

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision

must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

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

1. Provides to the parties a written notice disclosing:
 - A. The allegations;
 - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

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

Recordkeeping

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

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies

provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Cross Reference: Policy 3210 Equal Education, Nondiscrimination and Sex Equity
 Policy 3225 Sexual Harassment
 Policy 3310 Student Discipline

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
 Section 49-3-101, et seq., MCA, Montana Human Rights Act
 Civil Rights Act, Title VI; 42 USC 2000d et seq.
 Civil Rights Act, Title VII; 42 USC 2000e et seq.
 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
 Section 20-5-201, MCA, Duties and Sanctions
 Section 20-5-202, MCA, Suspension and Expulsion
 34 CFR Part 106 Nondiscrimination on the basis of sex in
 education programs or activities receiving
 Federal financial assistance
 10.55.701(1)(f), ARM Board of Trustees
 10. 55.719, ARM Student Protection Procedures
 10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on:

Reviewed on:

Revised on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

18

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 3226 – BULLYING/HAZING/INTIMIDATION/MENACING -STUDENTS

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of an updated board Policy # 3226 – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

STUDENTS

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

Definitions

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

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

Sexual Harassment

Legal Reference	§ 20-5-207, MCA “Bully-Free Montana Act”	
	§ 20-5-208, MCA	Definition
	§ 20-50-209, MCA	Bullying of student prohibited
1		§ 20-5-210, MCA
2		Enforcement – exhaustion of administrative remedies
3		10.55.701(2)(f),
4		ARM Board of Trustees
		10.55.719,
		ARM Student Protection Procedures
		10.55.801(1)(d),
		ARM School Climate
5	<u>Policy History:</u>	
6	Adopted on:	
7	Reviewed on:	
8	Revised on:	

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

19

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 5010 – EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of an updated board Policy # 5010 – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

PERSONNEL

5010

Equal Employment Opportunity, Non-Discrimination, and Sex Equity

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

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

Any individual may file a complaint alleging violation of this policy, Policy 5012/512P – Sexual Harrassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

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

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

20

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 5012 – SEXUAL HARASSMENT/ SEXUAL INTIMIDATION IN THE WORKPLACE

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the board policy # 5012 – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

PERSONNEL

5012

Page 1 of 3

Sexual Harassment of Employees

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

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

Title: _____

Office address: _____

Email: _____

Phone number: _____

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

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

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

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

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the al

47 harassment, the individual may report the allegations to the building principal or
48 superintendent or other unbiased school official.

50 Retaliation Prohibited

51
52 The District prohibits intimidation, threats, coercion or discrimination against any
53 individual for the purpose of interfering with any right or privilege secured by Title IX
54 or this policy, or because the individual has made a report or complaint, testified,
55 assisted, or participated or refused to participate in any manner in an investigation
56 proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination,
57 including charges against an individual for code of conduct violations that do not
58 involve sex discrimination or sexual harassment, but arise out of the same facts or
59 circumstances as a report or complaint of sex discrimination, or a report or formal
60 complaint of sexual harassment, for the purpose of interfering with any right or privilege
61 secured by Title IX or this part, constitutes retaliation.

63 Confidentiality

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

74 Notice Requirements

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

85 Training Requirements

86

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

102

103 Conflict of Interest and Bias

104

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

110 Determination of Responsibility

111

112 The individual who has been reported to be the perpetrator of conduct that could constitute
113 sexual harassment is presumed not responsible for alleged conduct. A determination
114 regarding responsibility will be made by the decision-maker at the conclusion of the
115 investigation in accordance with the process outlined in Policy 5012P. No disciplinary
116 sanctions will be imposed unless and until a final determination of responsibility is
117 reached.

119 Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination

120 Policy 5012P – Sexual Harassment Procedures

121

122 Legal References: Art. X, Sec. 1, Montana Constitution –

123 Educational goals and duties

124 §§ 49-3-101, et seq., MCA Montana Human Rights Act

125

126 Civil Rights Act, Title VI; 42 USC 2000d et seq.

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

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

129 CFR Part 106 Nondiscrimination on the basis of sex in education
130 programs or activities receiving Federal financial assistance
131 0.55.701(1)(f), ARM Board of Trustees
132 10.55.719, ARM Student Protection Procedures 10.55.801(1)(a
133 ARM School Climate
134

Policy History:

Adopted on:

Reviewed on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

21

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF BOARD POLICY 5012F – HARASSMENT COMPLAINT FORM

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the revision of an updated board Policy # 5012F – and consider adoption of said policy.

Information being changed has been highlighted.

SUGGESTED ACTION: Approve Revision of Board Policy

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

Sexual Harassment Reporting/Intake Form for Employees

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

School _____ Date _____

Employee's name _____

• Who was responsible for the harassment or incident(s)? _____

• Describe the incident(s). _____

• Date(s), time(s), and place(s) the incident(s) occurred. _____

• Were other individuals involved in the incident(s)? ☐ yes ☐ no

If so, name the individual(s) and explain their roles. _____

• Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. _____

• Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? _____

• Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. _____

Signature of complainant

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

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

22

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF THE NEW BOARD POLICY 5012P – SEXUAL HARASSMENT GRIEVANCE PROCEDURE

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the new board Policy # 5012P Sexual Harassment Grievance Procedure – and consider adoption of said policy.

SUGGESTED ACTION: Approve New Board Policy 5012P Sexual Harassment Grievance Procedure

☒ **Additional Information Attached** **Estimated cost/fund source** _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

Lewistown School District #1

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PERSONNEL

5012P

Page 1 of 9

Sexual Harassment Grievance Procedure - Employees

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

Definitions

The following definitions apply for Title IX policies and procedures:

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

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

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

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

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

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

District Requirements

4 When the District has actual knowledge of sexual harassment in an education program or
activity of the District, the District will respond promptly in a manner that is not deliberately
indifferent. When the harassment or discrimination on the basis of sex does not meet the definition of
sexual harassment, the Title IX Coordinator will direct the individual to the applicable sex
discrimination process for investigation. The District treats individuals who are alleged to be the
victim (Complainant) and perpetrator

5 (Respondent) of conduct that could constitute sexual harassment equitably by offering
supportive

6 measures. Supportive measures are designed to restore or preserve equal access to the
District's

7 education program or activity without unreasonably burdening the other party, including

8 measures designed to protect the safety of all parties or the District's educational environment,
or

9 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines

10 or other course-related adjustments, modifications of work or class schedules, mutual
restrictions

11 on contact between the parties, leaves of absence, increased security and monitoring of certain
12 areas of the District's property, campus escort services, changes in work locations and other 13
similar measures.

14

15 The Title IX Coordinator is responsible for coordinating the effective implementation
of

16 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must
promptly

17 contact the Complainant to discuss the availability of supportive measures, consider the

18 Complainant's wishes with respect to supportive measures, inform the Complainant of
the

19 availability of supportive measures with or without the filing of a formal complaint, and
explain

20 to the Complainant the process for filing a formal complaint. If the District does not
provide the 21 Complainant with supportive measures, then the District must document the
reasons why such a 22 response was not clearly unreasonable in light of the known
circumstances.

23

24 Timelines

25

26 The District has established reasonably prompt time frames for the conclusion of the grievance
27 process, including time frames for filing and resolving appeals and informal resolution
processes. 28 The grievance process may be temporarily delayed or extended for good cause. Good
cause may 29 include considerations such as the absence of a party, a party's advisor, or a witness;
concurrent 30 law enforcement activity; or the need for language assistance or accommodation of
disabilities.

31 In the event the grievance process is temporarily delayed for good cause, the District will 32 32
32 provide written notice to the Complainant and the Respondent of the delay or extension and the
33 reasons for the action.

35 Response to a Formal Complaint

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

41
42 The District must follow the formal complaint process before the imposition of any disciplinary
43 sanctions or other actions that are not supportive measures. However, nothing in this policy
44 precludes the District from placing a non-student employee Respondent on
administrative leave
45 during the pendency of the grievance process. The District may also remove a student
46 Respondent alleged to have harassed an employee Complainant from the education
setting. The
47 student may receive instruction in an offsite capacity during the period of removal. This
48 provision may not be construed to modify any rights under the Individuals with Disabilities 6 49
49 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities
50 Act.

51 Upon receipt of a formal complaint, the District must provide written notice to the known parties
52 including:

53
54 1. Notice of the allegations of sexual harassment, including information about the
55 identities of the parties involved in the incident, the conduct allegedly constituting
56 sexual harassment, the date and location of the alleged incident, and any sufficient
57 details known at the time. Such notice must be provided with sufficient time to
58 prepare a response before any initial interview;

2. An explanation of the District's investigation procedures, including any informal resolution process;

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;

4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and

5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

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

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

Investigation of a Formal Complaint

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

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the 'parties';

2. Provide an equal opportunity for the parties to present witnesses and evidence;

3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who

97 may be, but is not required to be, an attorney. The District may establish restrictions 108
98 regarding the extent to which the advisor may participate in the proceedings, as long
99 as the restrictions apply equally to both parties;
100

101 5. Provide written notice of the date, time, location, participants, and purpose of
102 any interview or meeting at which a party is expected to participate, with sufficient
103 time for the party to prepare to participate;
104

105 6. Provide the parties equal access to review all the evidence collected which is
106 directly related to the allegations raised in a formal complaint and comply with the
107 review periods outlined in this process;
108

109 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
110

111 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals
112 who facilitate an informal resolution process, do not have a conflict of interest or
113 bias for or against Complainants or Respondents generally or an individual
114 Complainant or Respondent;
115

116 9. Not make creditability determinations based on the individual's status as
117 Complainant, Respondent or witness;
118

119 10. Not use questions or evidence that constitute or seek disclosure of privileged
120 information unless waived;

Dismissal of Formal Complaints

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

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

1. Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

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

Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for

their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

Decision-Maker's Determination

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

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

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

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant; and

6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

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

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

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

Appeals

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

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

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

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

Informal Resolution Process

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

1. Provides to the parties a written notice disclosing:
 - A. The allegations;
 - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

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

Recordkeeping

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

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

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Cross Reference: Policy 5010 Equal Employment and Non-Discrimination
Policy 5012 Sexual Harassment
Policy 5255 Employee Discipline

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

23

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE SECOND READING OF NEW BOARD POLICY 5015 – BULLYING/ HARASSMENT/ INTIMIDATION

Requested By: Board of Trustees **Prepared By:** Thom Peck

SUMMARY:

The Board of Trustees needs to approve the second reading of the new board Policy # 5015 – and consider adoption of said policy.

SUGGESTED ACTION: Approve New Board Policy 5015 Bullying/Harassment/Intimidation

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Thompson						
Southworth						
Heintz						
Weeden						

Lewistown School District #1

PERSONNEL

5015

Page 1 of 2

Bullying/Harassment/Intimidation

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

Definitions

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

Reporting

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

5015

or District Administrator shall be filed with the Board, via written communication to the Board Chair.

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

Responsibilities

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

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference:

10.55.701(3)(g), ARM
10.55.801(1)(d), ARM

Board of Trustees
School Climate

Policy History:

Adopted on:

Reviewed on:

Lewistown Public Schools
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

24

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE ADDITIONS TO THE SUBSTITUTE LIST FOR THE 2020-2021 SCHOOL YEAR

Requested By: Board of Trustees Prepared By: Christy Rogers

SUMMARY:

The Board of Trustees needs to approve the additions to the substitute list for the 2019-2020 School Year as listed below:

Substitute Teacher/Aide List:

Sean Burnham
David Gill
Stacie Sallee

SUGGESTED ACTION: Approve Additions to the Substitute List for the 2020-2021 School Year

☐ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Southworth						
Thompson						
Heintz						
Weeden						

LEWISTOWN PUBLIC SCHOOLS
Lewistown, Montana

BOARD AGENDA ITEM

Meeting Date

10/12/2020

Agenda Item No.

25

☐ Minutes/Claims ☐ Board of Trustees ☐ Superintendent's Report ☐ Action - Consent
☒ Action - Indiv.

ITEM TITLE: APPROVE PERSONNEL REPORT

Requested By: Board of Trustees Prepared By: Thom Peck

SUMMARY:

Attached is the Personnel Report for your review.

SUGGESTED ACTION: Approve All Items

☒ Additional Information Attached Estimated cost/fund source _____

NOTES:

	Motion	Second	Aye	Nay	Abstain	Other
<i>Board Action</i>						
Bailey						
Birdwell						
Koterba						
Southworth						
Thompson						
Heintz						
Weeden						

**LEWISTOWN PUBLIC SCHOOLS
LEWISTOWN, MONTANA**

Monday October 12, 2020

<i>EMPLOYEE NAME</i>	<i>POSITION</i>	<i>LOCATION</i>	<i>RECOMMENDED ACTION</i>	<i>EFFECTIVE DATE</i>	<i>RECOMMENDED BY</i>	<i>COMMENTS</i>
BUNN, Nancy	Volunteer - Reading in Classroom	Elementary Schools	RSVP America Reads	10/13/2020	Thom Peck	
HORNTVEDT, Amber	Special Ed Paraprofessional	Highland Park School	Accept Letter of Resignation	9/30/2020	Matthew Ventresca	See Attached Letter
MCLENDON, Shirley	Volunteer - Reading in Classroom	Elementary Schools	RSVP America Reads	10/13/2020	Thom Peck	
RECOMMENDATIONS FOR ACTIVITIES AND ATHLETICS	EXTRA CURRICULAR ASSIGNMENTS	Jr. High School	Approve appointment on schedule as recommended	10/13/2020	Paul Bartos/Matt Donaldson	See Attached Memo
SHERRODD-BRANT, Julie	Food Service	Highland Park School	Approve appointment on schedule --FOOD SERVER/KITCHEN AIDE Step 0, Breakfast Server 2 days per week for 2 hours per day and Lunch Server 5 days per week for 2.5 hours per day (Total 16.50 hours per week) for up to 159 days	10/1/2020	Amie Friesen	Replacing Julie Evans
WILSON, Shalon	Special Ed Paraprofessional	Highland Park School	Approve appointment on schedule --PARA EDUCATOR-CERT --Step 0 for up to 7.5 hours per day for up to 150 days	10/13/2020	Matthew Ventresca	Replacing Amber Hornrtvedt

To whom it may concern:

I, Amber Horntvedt, am giving my two week notice on September 30, 2020. I have thoroughly enjoyed working for the school district and have memories and experiences to last a lifetime. My life journey has taken me to a new path but I want to say thank you so much for these last 2 plus years. Our school district is truly a family and it was such a pleasure to work for!

Thank you so much,

Amber Horntvedt

STUDENT ACTIVITY EXTRA-CURRICULAR CONTRACT CHANGES AND RECOMMENDATIONS

Junior High School

Scott Chauvet – Boys Basketball – First Assistant - .062 - \$2,154.38

Cory Smith – Boys Basketball - Assistant - .055 - \$1,911.14

Bridget Sparks – Girls Basketball - Assistant - .055 - \$1,911.14

Lora Poser-Brown – Ski Club - Advisor - .015 - \$521.22

School District #1 Mission Statement:

Excellence Today, Success Tomorrow

Core Values of the Lewistown Public Schools:

1. **High Standards:** Lewistown Public Schools upholds high standards and expectations for the Board, staff and students of the district. We strive to provide challenging curriculum taught by innovative leaders in the field of education, utilizing research-based curriculum and implementing best practices.
2. **Student-Centered:** The motivation for everything we do is based upon what is right and best for the children of our community. We ensure the development, well-being and education of students through a variety of academic and extracurricular activities. We assist students in overcoming challenges and help them celebrate their successes, all as part of a plan to maximize the potential of each student.
3. **Effective and Efficient Practices:** Lewistown Public Schools is committed to effective and efficient stewardship of our resources.
4. **Accountability:** Lewistown Public Schools is accountable for all that we do from fiscal management to the performance of students, staff, administration and the Board.
5. **Community Support:** Lewistown Public Schools understands that community support is vital, earned and continually renewed through consistent dedication to quality service. We believe the key to success is found through mutual engagement of the community and the schools, effective interaction between parents, students, staff, administrators, trustees and all elements of the Lewistown Community. We value the trust the community has invested in our public schools and we strive to earn and maintain that trust.
6. **Communication:** Lewistown Public Schools values effective and open communication with parents, students, staff, trustees and the community.

PUPIL INSTRUCTION	First Semester				89 days	Second Semester				90 days
	FIRST QUARTER				DAYS	THIRD QUARTER				DAYS
	First Week	Aug 26	to	Aug 28	3	First Week	Jan 19	to	Jan 22	4
	Second Week	Aug 31	to	Sept 4	5	Second Week	Jan 25	to	Jan 29	5
	Third Week	Sept 8	to	Sept 11	4	Third Week	Feb 1	to	Feb 5	5
	Fourth Week	Sept 14	to	Sept 18	5	Fourth Week	Feb 8	to	Feb 12	5
	Fifth Week	Sept 21	to	Sept 25	5	Fifth Week	Feb 15	to	Feb 19	5
	Sixth Week	Sept 28	to	Oct 2	5	Sixth Week	Feb 22	to	Feb 25	4
	Seventh Week	Oct 5	to	Oct 9	5	Seventh Week	March 1	to	March 5	5
	Eighth Week	Oct 12	to	Oct 14	3	Eighth Week	March 8	to	March 12	5
	Ninth Week	Oct 19	to	Oct 23	5	Ninth Week	March 15	to	March 19	5
	Tenth Week	Oct 26	to	Oct 30	5					
					45					43
	SECOND QUARTER				DAYS	FOURTH QUARTER				DAYS
	First Week	Nov 2	to	Nov 4	3	First Week	March 22	to	March 26	5
	Second Week	Nov 9	to	Nov 13	5	Second Week	March 29	to	April 1	4
	Third Week	Nov 16	to	Nov 20	5	Third Week	April 6	to	April 9	4
	Fourth Week	Nov 23	to	Nov 25	3	Fourth Week	April 12	to	April 16	5
	Fifth Week	Nov 30	to	Dec 4	5	Fifth Week	April 19	to	April 23	5
	Sixth Week	Dec 7	to	Dec 11	5	Sixth Week	April 26	to	April 30	5
	Seventh Week	Dec 14	to	Dec 18	5	Seventh Week	May 3	to	May 7	5
	Eighth Week	Dec 21	to	Dec 23	3	Eighth Week	May 10	to	May 14	5
	Ninth Week	Jan 4	to	Jan 8	5	Ninth Week	May 17	to	May 21	5
	Tenth Week	Jan 11	to	Jan 15	5	Tenth Week	May 25	to	May 28	4
					44					47
										Total Days 179

PUPIL INSTRUCTION-RELATED DAYS (PIR)	August 17	New Staff Orientation	
	August 24-25	All Staff Orientation/PIR	2.0
	October 15-16	Staff Development Days <i>Teachers Convention</i>	2.0
	November 4-5	Parent-Teacher Conferences <i>Evening Nov. 4, All Day Nov. 5</i>	1.5
	March 25	Parent-Teacher Conferences <i>Conferences Evening Only Full School Day for Students</i>	.5
	May 24	PIR Day	1.0
		Floating PIR Day	<u>1.0</u>
			8.0

HOLIDAYS & VACATIONS <i>Dates Inclusive</i>	September 7	Labor Day
	November 6	Vacation Day
	November 26-27	Thanksgiving Vacation
	Dec 24-Jan 3	Winter Break
	January 18	Vacation Day
	February 26	Vacation Day
	April 2-5	Spring Break
	May 31	Memorial Day
	July 5	Vacation Day (12-mo employees)