

North Central Learning Resource Center

1601 2nd Avenue North #234

Great Falls, MT. 59401

Phone (406) 727-6303

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Jenny Reeves

Director

February 26th, 2024

To: Advisory Board Members

From: Candice San Miguel, NCLRC Office Manager

The next meeting of the Advisory Board will be held at the NCLRC office, 1601 2nd Avenue N. #234, Great Falls on **Wednesday, February 28th at 2:30 p.m.** Copies of the agenda and warrant list for this meeting are attached along with a copy of the January board meeting minutes and February Special board meeting minutes.

If you cannot attend in person, please see the meeting agenda for virtual attendance information. If you would like to add any items to the agenda, please let me know.

**Northcentral Learning Resource Center
Superintendent's/Principal's Advisory Board Meeting**

REGULAR BOARD MEETING AGENDA

Wednesday, February 28th · 2:30 – 3:30pm

Google Meet Video call invite via email

Or dial: (US) +1 337-451-1890 PIN: 601 767 698#

Preliminary Business

- Call to Order
- Determination of Quorum
- Conflicts of Interest shall be addressed as a standing agenda item at the commencement of a meeting

Consent Items

- Approval of January 24th, 2024 Board Minutes
- Approval of February 5th, 2024 Special Board Minutes
- Approval of Warrants

Information Items

- Director's Report

Open Forum

- This is provided for patrons to share input on cooperative issues, programs, procedures that are not of a confidential nature. Comment time will be limited and may not be made about employees, students, or any issue which is a violation of an individual's right to privacy, as determined by the chair.

***Action Items**

- Approval of recommended policy revisions and additions
- Appoint Board Reps for Classified and Director Negotiations
- Janet Card Letter of Resignation
- Approval of Speech Language Pathologist new hire for 2024-25 school year
- Approval for continued lease agreement for NCLRC office space
- NCLRC additional office space
- Co-op wide self-contained discussion

Adjournment

- Next regularly scheduled meeting date is March 27th, 2024

***Note: Comments are permitted on Action Items after a motion receives a second.**

**Northcentral Learning Resource Center
Superintendent's/Principal's Advisory Board Meeting
January 24, 2024**

Present

**Levi Collins, Chairman
Russ McDaniel, remote by phone
Dave Marzolf**

**Joe Gaylord
Loren Dunk
Jenny Reeves, Director
Sandy Watkins, Clerk**

Absent

John McGee

The regular monthly Board meeting of the Directors of Northcentral Learning Resource Center was held Wednesday, January 24, 2024, at the Northcentral Learning Resource Center office. Diana Leonard joined as staff representative. The meeting was called to order by Chairman Levi Collins at 2:36 p.m. A quorum was present. The consent agenda (the minutes from the October 25, 2023, regular meeting and Warrants #25218-25279) were unanimously approved (Dunk/Gaylord).

Informational Items:

Kaleva Law Office is offering training: Back to the Basics-Special Education Training for Special Educators and Administrators. We can purchase the training if there is interest in it. The Board agreed to let Jenny know if there is interest.

Update on Vision Screenings: The office manager has left messages for the eye doctor who was interested in doing vision screenings but hasn't heard from him yet. She will continue to try and contact him.

2024-2025 budget and staffing considerations: Staffing is a major issue and as we are looking at staff increases, we will probably need to increase member school match to cover budgets. When asked how much, Sandy Watkins said you can probably figure \$90,000-100,000 per additional full-time employee we hire, to cover salary and benefits. That amount would have to be added to the school match.

Action Items:

Coop-wide Self-Contained Program No action at this time.

Director Evaluation Jenny Reeves said she would like to complete her negotiations in a timely manner this year, since this is a negotiation year for her. The Board agreed that Candice San Miguel, office manager, can be the "owner" of the evaluation tool and send it to all the Board members and have the responses sent to all the Board members. They agreed that each Board member could read all the responses.

Full-time Traveling Speech Language Pathologist (SLP) Jenny Reeves stated that she is attempting to hire a full-time traveling SLP for the remainder of the year. However, she hasn't

**Northcentral Learning Resource Center
Superintendent's/Principal's Advisory Board Meeting
January 24, 2024**

received an acceptance response from the SLP, so she asked to table discussion. A special meeting will be held when she receives the response.

Full-time School Psychologist Jenny Reeves reported that she has received an application from an individual living in Great Falls who is interested in the School Psychologist position. However, she hasn't had time to check references and talk to the individual, so she asked to table discussion. A special meeting will be held when she receives the responses and is ready to recommend hiring.

Public Comment None.

Motion to adjourn at 2:51 p.m./unanimously approved (Marzolf/Gaylord).
The next meeting will be Wednesday, February 28, 2024, at 2:30 p.m.

Respectfully Submitted:

Approved By:

Sandra A. Watkins, Clerk

Levi Collins, Board Chair

**Northcentral Learning Resource Center
Superintendent's/Principal's Advisory Special Board Meeting
February 5, 2024, 2:30 pm – 3:30 pm**

Present

Levi Collins, Chairman (virtual)
Loren Dunk (virtual)
Russ McDaniel (virtual)
Joe Gaylord (virtual)
Dave Marzolf (virtual)
Jenny Reeves, Director

Absent

John McGee

This special Board meeting of the Directors of Northcentral Learning Resource Center was held virtually via Google Meet on Monday, February 5, 2024, at 2:30 pm. Chairman Levi Collins called the meeting to order at 2:30 pm; a quorum was present.

Action Items:


Recommendation to offer a full-time School Psychologist contract to Nicholas DeBellis:

Joe Gaylord made a motion, Loren Dunk seconded, and all were in favor of offering a contract to Nicholas DeBellis. During the discussion, Jenny shared that Nicholas is already certified in Montana. Nicholas completed his practicum and is currently under contract with Great Falls Public Schools. He was given high recommendations by all of his references.

Adjournment:

Levi made a motion, Russ seconded, and all were in favor of adjourning the meeting at 2:34 pm.

Respectfully Submitted:



Jenny A Reeves, Director

Approved By:

Levi Collins, Board Chair

The next regularly scheduled meeting date is February 28, 2024, at 2:30 pm.

Expenditure List - Range Of Check Numbers.
2023-2024

Northcentral Learning Resource

02/20/2024
5:07:49 PM

* To the right of a check number, denotes missing check number.
Range of Check Numbers: 25280 to 26000
Select All (All Transactions).
Exclude Payroll.

Filename: Foxietobexplist (Northcentral Learning Resource Center).tsv
Location: C:\Program Files (x86)\FOXIE LADY COMPUTERS\Fund Accounting\Output\

Check 12113, Reissued for Check 12103, Date 11/01/2023, Amount 475.00
D.A.DAVIDSON & CO/CUST FOR Teri Belnap
Check 25292, Reissued for Check 25163, Date 06/01/2023, Amount 544.17
MAY MILEAGE

Print by Number - Detail

Transaction Number	To Whom	Amount	PO Number	Invoice	Purpose	Line Item Account	Date	Status
Co-op Check 25280	Belnap Teri	222.70	201		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25281	Card Janet	498.46	202		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25281	Card Janet	100.00	202		LICENSE RENEWAL RETIMBURSEMENT	315-456-2100-582	02/01/2024	Written
		- 598.46	Total					
Co-op Check 25282	Charter Communications	149.94	212		INTERNET, PHONES, & FAX	315-457-2400-535	02/01/2024	Written
Co-op Check 25283	Haugen Kari	419.20	203		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25284	Horne Cynthia	125.76	204		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25285	Key Robert	217.46	205		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25286	Kolka Kaitlin	100.00	206		LICENSE RENEWAL RETIMBURSEMENT	315-456-2100-582	02/01/2024	Written
Co-op Check 25286	Kolka Kaitlin	689.72	206		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
		789.72	Total					
Co-op Check 25287	Leonard Diana	663.52	207		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25288	Permann Stasha	566.58	208		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25289	Peters Danielle	468.98	209		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25290	Reeves Jenny	305.89	210		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25290	Reeves Jenny	305.88	210		JANUARY MILEAGE	315-456-2400-581	02/01/2024	Written
		611.77	Total					
Co-op Check 25291	Ross Christine	786.66	211		JANUARY MILEAGE	315-456-2100-581	02/01/2024	Written
Co-op Check 25293*	Assoc. Business Systems	27.00	2949	20400	W-2 FORMS	315-456-2400-610	02/20/2024	Written
Co-op Check 25293	Assoc. Business Systems	144.50	2948	20429	PAYROLL WARRANTS	315-456-2400-610	02/20/2024	Written
		171.50	Total					
Co-op Check 25294	CULLIGAN GREAT FALLS INC	7.00	215		WATER	315-456-2400-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	96.79	2953		LATE FEES	315-456-2400-810	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	210.05	2953		SSS,MIAT-4, WPPSI, BASC 3	315-456-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	202.73	2953		OFFICE & TREATMENT SUPPLIES/THERAPIS	315-456-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	240.00	2953		WEBBLY	315-456-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	110.00	2953		CONNERS-4 Q GLOBAL	315-456-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	182.75	3953		BATTLELLIE 3 SUPPLIES	315-456-2100-610	02/20/2024	Written



Expenditure List - Range Of Check Numbers.
2023-2024

Northcentral Learning Resource

02/20/2024
5:07:49 PM

Print by Number - Detail

Transaction Number	To Whom	Amount	PO Number	Invoice	Purpose	Line Item Account	Date	Status
Co-op Check 25295	Horizon Credit Union	197.60	3953		EAR MUFFS	315-456-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	130.04	3953			315-456-2400-610	02/20/2024	Written
Purpose: OFFICE SUPPLIES-TONER CART, KEYS, PAPER, DISINFECTANT								
Co-op Check 25295	Horizon Credit Union	126.16	2953		BROADVOICE-PHONE, INTERNET, FAX	315-456-2400-535	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	52.00	2953		SELF PRESCHOOL SCORING	315-457-2100-610	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	17.29	2953		CERTIFIED POSTAGE	315-456-2100-532	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	359.94	2953		REG FEES/ADHD BRAIN	315-456-2100-582	02/20/2024	Written
Co-op Check 25295	Horizon Credit Union	163.39	2953			315-456-2400-582	02/20/2024	Written
Purpose: RECRUITMENT, INCENTIVE GIFT CARDS, STAFF MEETING SUPPLIES								
		2,088.74	Total					
Co-op Check 25296	Identity Screening Printing And Embroide	628.00	2952	65101	STAFF OUTERWEAR	315-456-2100-610	02/20/2024	Written
Co-op Check 25297	Kelley Create	61.47	216	1542605	CONTRACT BASE RATE CHANGE	315-456-2400-340	02/20/2024	Written
Co-op Check 25298	MONTANA MEDICAL BILLING	579.98	217	2023-326	DECEMBER BILLING	315-500-2400-340	02/20/2024	Written
Co-op Check 25298	MONTANA MEDICAL BILLING	199.89	217	2024-014	JANUARY BILLING	315-500-2400-340	02/20/2024	Written
		779.87	Total					
Co-op Check 25299	MONTANA STATE FUND	1,328.51	218	20238490	PREMIUM & ADDITIONAL ASSESSMENT	382-280-9999-250	02/20/2024	Written
Co-op Check 25300	School Administrators Of Montana	500.00	219	3278	RECRUITMENT-ENROLLMENT	315-456-2400-540	02/20/2024	Written
Co-op Check 25301	Schoolhouse I T Inc.	17.99	2013	3073	REPLACEMENT CABLE/CONF ROOM	315-456-2400-610	02/20/2024	Written
=====								
Overall Fund Totals		11,203.83						

9,875.32 315-MTSC. PROGRAMS
1,328.51 382-INTERLOCAL AGREEMENT 11,203.83 Co-op
=====

11,203.83 Overall Total



ADVISORY BOARD

Qualifications, Terms and Duties of Advisory Board Officers

The Advisory Board officers ~~is~~ **are** the Chair **and Vice Chair**. ~~This~~ **These** officers ~~is~~ **are** elected annually ~~prior to~~ **no later than** the June Board meeting.

The Advisory Board elects a Chair **and Vice Chair** from its members for a 1-year term. The duties of the Chair are as follows:

- preside at all regular and special Board meetings and conduct the meetings in the manner prescribed by the Board's policies; and
- sign all papers and documents as required by law and as authorized by the Advisory Board.

The Chair may participate in all Advisory Board meetings in a manner equal to all other Board members.

In the absence of the Chair **at a meeting**, the ~~Board shall appoint one of its members to act in the place of the Chair. Vice Chair shall act in the place of the Chair. In the event of the resignation, incapacity, or death of the Chair, the Vice Chair shall assume the position of Chair until the next annual election.~~

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

ADVISORY BOARD

Advisory Board Meetings

The Advisory Board shall determine the time and place of its regular and special meetings. The Director, in consultation with the Chair, shall prepare the agenda and distribute it to Advisory Board members at least forty eight (48) hours prior to the meeting. The Business Manager shall take minutes of all open sessions of the Advisory Board.

The agenda for the meeting shall be posted through a link on the website of the newspaper of general circulation in the Cooperative, if offered free of charge, or through a link on the Cooperative’s website. A copy of the agenda will also be posted at the entrance, 1601 2nd Ave N, Great Falls, MT 59401.

Regular Meetings

The Advisory Board shall meet one time per month for its regular meeting. Notice shall be posted in all Cooperative school districts prior to the scheduled meeting.

Special Meetings

Special meetings may be called by the Advisory Board Chair or by any 2 members of the Board. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Advisory Board member not less than 48 hours prior to the time of the meeting. Written notice shall also be sent not less than 24 hours prior to the meeting to each newspaper and radio or television station that has filed a written request for such notices.

Closed Session of Any Meeting

The Advisory Board may hold closed sessions to consider matters of individual privacy or to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the Cooperative. Prior to closing the meeting to consider matters or individual privacy, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The litigation strategy exception is not available if the litigation involves only public bodies or associations as parties.

Legal Reference: § 2-3-203, MCA Meetings of public agencies open to the public
 § 2-3-212, MCA Minutes of meetings

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

ADVISORY BOARD

Meeting Procedure

Agenda

All meetings shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request. The Director shall prepare agendas in consultation with the Chair or presiding officer. Items submitted by Board members or other individuals may be included on the agenda. Individuals or groups that would like to address the Board must notify the Director in writing at least 5 working days prior to the regular Board meeting. The notification must include the reason for the request. The Director and Chair may determine that the individuals or groups must follow the uniform grievance procedure in order to appear before the Board, and refer the individuals or groups to the appropriate step on that procedure.

All agendas must contain a public comment section to allow members of the public to comment on any public matter under the jurisdiction of the Board that is not specifically listed on the agenda. Contested cases and other adjudicative proceedings are not appropriate topics in the public comment section. The presiding officer may place reasonable time limits on the comments received during this section of the meeting to ensure effective and efficient operations of the Board. The Board may not take action on any matter discussed in the public comment section.

Packets will be distributed to Board members not less than 48 hours prior to the meeting. This material shall be available to the public not less than 48 hours prior to the meeting.

Quorum

Three members shall constitute a quorum of the Board. If there is less than a quorum present at a Board meeting, the members may not hear, act upon or discuss any business. Board members may be present physically or present via electronic means to establish a quorum. Unless otherwise provided by law, affirmative votes by a majority of the membership of the Board are required to approve any action under consideration.

Minutes

The business manager or the business manager's designee shall keep written minutes of all meetings which must be open to the public. The approved minutes must be signed by the Chair and the business manager. The minutes must include:

- the date, time and place of the meeting;
- the name of the presiding officer;
- a record of Board members present and absent;

- a summary of the discussion on all matters discussed, proposed, deliberated or decided, and a record of any motions made and votes taken;
- a detailed statement of all expenditures;
- the purpose of recessing into closed session; and
- the time of adjournment.

The Board shall keep minutes of all closed sessions. Minutes taken during closed sessions shall be sealed.

The Chair may direct the business manager to make a verbatim record of any meeting. Any verbatim recording may be destroyed after the minutes are approved. A file of permanent minutes of all meetings shall be maintained in the office of the business manager. A written copy of the minutes shall be made available to the public within 5 days following approval by the Board. Sealed minutes taken during any closed session of the Board shall not be made available to the public absent a court order.

If the meeting is audio recorded and designated by the Board as the official record, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

Meeting Conduct and Order of Business

The Board will use general rules of parliamentary procedure to govern the conduct of its meetings. Robert's Rules of Order may be used as a guide at any meeting, although rules adopted by the Board and any laws or regulations of the State of Montana in conflict with Robert's Rules of Order shall take precedence. The order of business for each meeting shall be set out on the agenda. The Board may change the order of business by consent or by majority vote.

Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, a majority of the votes cast shall determine its outcome. Voting shall be by acclamation or show of hands. The use of proxy votes or secret ballots is not permitted.

Board members are encouraged to vote on all issues before the Board unless they are prohibited by law from voting on the matter. A trustee may abstain from voting on any issue before the Board.

Public Participation

The Board recognizes the value of public participation and encourages the public to attend and participate in its meetings. In order to permit the orderly and fair expression of such participation, the Board will solicit oral and/or written comments prior to a final

decision on a matter of significant interest to the public. The Chair may place reasonable time limits on public comment, and may interrupt or terminate any statement that is out of order, personally directed, abusive, obscene, or too lengthy.

Members of the public are encouraged to make comments during the public comment section of the agenda on matters that are of public concern and that are not on that particular agenda. The Chair will recognize individuals or groups for public comment on agenda items after the Board has discussed the issue. Comments may be presented orally or in writing for the Board's consideration.

Legal Reference:	§ 2-3-202, MCA	Meeting defined
	§ 2-3-101, MCA	Public participation
	§ 2-3-212, MCA	Minutes of meetings
	§ 2-3-301, MCA	Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- prohibiting fees

Cross Reference:

Policy History:

Adopted on: September 7, 2011

Revised on:

ADVISORY BOARD

Advisory Board Conflict of Interest

Board members are expected to be familiar with and observe those provisions of Montana law that define their authority and govern conflict of interest. Board members shall not only adhere to all laws regarding conflict of interest, but also to be alert to situations that may have the appearance of a conflict of interest and to avoid actions that might compromise himself or herself or the Advisory Board. Therefore, an Advisory Board member may not:

- (1) engage in a substantial financial transaction for the Board member's private business purpose with a person whom the Board inspects or supervises in the course of official duties;
- (2) perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the Board has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
- (3) act as an agent or solicitor in the sale or supply of goods or services to the Cooperative;
- (4) have a pecuniary interest, directly or indirectly, in any contract made by the Advisory Board when the Board member has more than a 10% interest;
- (5) be employed in any capacity by the Cooperative;
- (6) perform an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the trustee has a substantial personal interest in a competing firm or undertaking; or**
- (6)(7) take part in the appointment or employment of any person related or connected by blood within the 4th degree or by marriage within the 2nd degree, except as provided by statute.**

Legal References:	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.
	<u>§ 2-2-105, MCA</u>	<u>Ethical Requirements for Public Officers and Public Employees</u>
	<u>§ 2-2-121, MCA</u>	<u>Rules of Conduct for Public Officers and Public Employees</u>

Cross Reference:

Policy History:

Adopted on: August 6, 2010

Revised on:

ADVISORY BOARD

Complaint Procedure

Students, parents, employees or community members may file a complaint in accordance with this complaint procedure, if they believe that the Advisory Board, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. These procedures do not apply to complaints of sexual harassment under Title IX of the Education Amendments of 1972 or disability under Section 504 of the Rehabilitation Act of 1973 or **those governed by a specified procedure in state or federal law that supersedes this grievance process.** Separate procedures apply for complaints arising these laws.

An individual may obtain a written copy of this policy by requesting one through the Director. This procedure is available on the Cooperative's website.

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

Informal Resolution

An individual with a complaint should discuss it with the staff member with the objective of resolving the matter promptly and informally. In the event that resolution is not achieved, the individual may file a written complaint within thirty (30) days of completion of the informal resolution process. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

Filing a Formal Complaint

When a complaint has not been resolved informally, the Complainant may file a complaint with the Director, or with the Advisory Board if the complaint is against the Director. ~~The Director or the Advisory Board may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with the Complainant.~~ **The formal signed and dated written complaint must state: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written formal complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident or completion of the informal resolution process.**

Investigation

Within 15 calendar days of the date the complaint was filed, the Director or the Chair of the Advisory Board will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Director, Advisory Board Chair or investigator shall prepare a written report summarizing the investigation.

Decision and Appeal

Within ~~7~~ **15** calendar days of receipt of the written report, the Director or Advisory Board Chair shall issue a written decision that shall be mailed to the Complainant. Within 7 calendar days of receipt of the decision, the Complainant may appeal the decision to the Board by making a written request to the Board Chair. Within ~~30~~ calendar days, the Board shall meet to affirm, reverse, or amend the decision or direct the gathering of additional information. This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Advisory Board's decision by mail.

Retaliation

Any individual participating in an investigation or proceeding under this policy shall notify the Director or Advisory Board if he or she believes that he or she is being retaliating against for participating in the investigation or proceeding. The Cooperative prohibits retaliation against individuals making complaints under this policy and participating in any investigation that may ensue. The Cooperative may discipline staff members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

Cross Reference: Title IX Sexual Harassment Grievance Procedures
Section 504 Grievance Procedures

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

Policy History:

Date Adopted: September 13, 2007

Date Amended:

ADVISORY BOARD

Records Management and Access to Public Records

The Cooperative is committed to effective records management including meeting legal standards for record retention and protection of privacy, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records. This policy applies to all records, regardless of whether they are maintained in hard (paper) copy, electronically, or in some other fashion.

The Cooperative requires that its records be maintained in a consistent and logical manner and be managed so that the Cooperative:

1. Meets legal standards for protection, storage and retrieval;
2. Protects the privacy of students and employees of the District;
3. Optimizes the use of space;
4. Minimizes the cost of record retention; and
5. Destroys outdated records in an appropriate manner.

The Director shall establish appropriate records management procedures and practices, which shall be provided to staff members who manage records within the Cooperative. The Board acknowledges the importance of public records as the record of the acts of the Member Districts and the Cooperative. The Board acknowledges the public's right to inspect and copy the Cooperative's public records, with certain exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection and duplication either by written or oral request. The Cooperative shall respond to all such requests within a reasonable period of time, generally not to exceed 10 business days. If the Cooperative cannot respond to the request within 10 business days, the records custodian shall notify the requestor in writing and provide a timeline for response to the request. If an oral request is not responded to within 10 business days, the requestor must put the request in writing.

The Director shall designate essential records which are immediately necessary to

- **Respond to an emergency or disaster;**
- **Begin recovery or reestablishment of operations during and after an emergency or disaster;**
- **Protect the health, safety, and property of students and Cooperative employees; or**
- **Protect the assets, obligations, rights, history and resources of the Cooperative, its employees, and member districts.**

The Cooperative will provide copies of all documents, including electronic communications, in the medium in which those documents exist. Reasonable fees shall be charged for copies as follows:

- copies of Board minutes at .15¢ per page;
- copies of other materials at .25¢ per page; **and**
- **the actual costs directly incident to fulfilling a records request in the most cost-efficient and timely manner possible, including but not limited to the time required to gather the requested information; and**
- actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;

The Cooperative shall comply with Montana law in addressing any unauthorized breaches of its computer data security system, including but not limited to complying with all disclosure and investigation requirements.

Legal References: ~~§ 2-6-102, MCA Citizen entitled to Powers and duties~~
§ 2-6-1001 et al, MCA Public Records
§ 39-31-303, MCA Management rights of public employees
§ 30-14-1704, MCA Computer Security Breach

Cross Reference:

Policy History:

Adopted on: September 7, 2011

Revised on:

PERSONNEL

Equal Employment Opportunity

As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations, the Cooperative shall provide equal employment opportunities to and will not discriminate in its educational programs or activities, including in the area of employment, with respect to all persons regardless of their race, color, creed, religion, national origin, sex, age, ancestry, marital status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories. For purposes of this policy, "sex" includes sexual orientation and gender identity and expression.

The Cooperative shall not retaliate against any employee for complaining about not receiving equal employment opportunities or other unlawful discriminatory practices, participating in a proceeding regarding the denial of equal employment opportunities, or other opposing discrimination. COVID-19 vaccine status will not be used as a basis to deny or allow equal opportunity to employment.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the Director. Inquiries regarding sex discrimination or sexual harassment may also be directed to the Cooperative's Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both. Claims of sexual harassment will be handled through the Cooperative's Title IX Grievance Procedures. Claims of disability discrimination will be handled through the Cooperative's Section 504 Grievance Procedures. All other claims will be handled through the Uniform Grievance Procedure. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The Cooperative reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Cross Reference: 1030 Uniform Complaint Procedure
2067 Bullying/Harassment/Intimidation
Title IX Sexual Harassment Grievance Procedure
Section 504 and ADA Grievance Procedure

Legal References: 29 USC § 621 et seq. Age Discrimination in Employment Act
42 USC § 12111, et seq. Americans with Disabilities Act
29 USC § 206 Equal Pay Act
29 USC § 791 et seq. Rehabilitation Act of 1973
42 USC § 2000(e) et seq. Title VII of Civil Rights Act
20 USC 1681 et seq. Title IX

§ 49-2-101, et seq. MCA Human Rights Act
§ 49-1-102, MCA Freedom from discrimination
§ 49-2-303, MCA Discrimination in employment
Nondiscrimination on the Basis of Sex in Education, 34 C.F.R. Part 106
House Bill 702 Prohibits Discrimination Based on Vaccine
Status
§ 50-16-502, MCA Legislative findings (Cited by House Bill 702)
Bostock v. Clayton County, 140 S.Ct. 1731 (2020)

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Sexual Harassment

The Cooperative shall exercise due caution to provide employees an employment environment free of ~~unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting~~ sexual harassment as defined and otherwise prohibited by State and federal law including Title IX and its implementing regulations, in the educational programs and activities it offers, including the area of employment. ~~Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, sexual coercion, sexual abuse, sexual exploitation, indecent exposure, or any actual or attempted violation of Montana criminal laws.~~ Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District 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 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

~~Cooperative employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.~~ A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Director Title IX Coordinator and/or use the Title IX Grievance Procedures. ~~All complaints, written or verbal, about behavior that may violate this policy shall be promptly investigated.~~ All formal complaints about behavior that may violate this policy shall be addressed through the District's Title

IX Sexual Harassment Grievance Procedures. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.

Legal References: 42 USC § 2000(e) et seq. Title VII of Civil Rights Act
20 USC 1681 et seq Title IX
§ 49-2-101, et seq. MCA Human Rights Act
§ 49-1-102, MCA Freedom from discrimination
Nondiscrimination on the Basis of Sex in Education, 34 C.F.R. Part 106

Cross References: **Title IX Sexual Harassment Grievance Procedures**

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Hiring Process and Criteria

Vacant positions may be advertised internally or through media sources. A vacancy need not be advertised as determined by the Director. The Director is responsible for recruiting personnel, in compliance with Advisory Board policy, and making hiring recommendations to the Advisory Board. The Cooperative shall hire the person who best meets the criteria consistent with budget and staffing requirements, and shall comply with Advisory Board policy on equal employment opportunities and veteran's preference. The Director shall maintain current job descriptions for each position in the Cooperative. All applicants must complete the Cooperative application in order to be considered for employment, including a written authorization for a criminal background investigation. Applications shall be kept for 2 years after submission pursuant to law.

~~All newly hired employees must provide the Cooperative with documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of the tester and the date and type of test administered, unless the person provides written medical documentation that he or she is known tuberculin reactor.~~

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to the commencement of work, the Cooperative may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the position description or the State. All medical information shall be maintained in a confidential file maintained by the Director and may be released only as permitted by law.

The Cooperative requires certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. Every teacher and specialist under contract must bring a current, valid certificate to the Cooperative office at the time of initial employment, as well as at the time of each renewal of certification.

Legal References: § 20-4-202, MCA Teacher and specialist certification registration
§ 39-29-102, MCA Point preference or alternative preference in
initial hiring for certain applicants –
substantially equivalent selection procedure
~~37.114.1010, ARM Employee of School~~
24.9.805, ARM Employment Records

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Criminal Background Investigations

Any finalist recommended to be employed in a paid or volunteer position with the Cooperative, involving regular unsupervised access to students in schools, as determined by the Director, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency. Any subsequent offer of employment or appointment will be contingent on results of the fingerprint criminal background check. This policy shall also be applied to an employee of a person or firm holding a contract with the Cooperative, if the employee is assigned to a member school, and the employee may have unsupervised access to students.

Any requirement of an applicant or employee of a contractor to submit to a fingerprint background check will be in compliance with the National Child Protection Act and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Director, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending. The Director shall keep all criminal record information confidential as required by law.

The Director shall develop and implement procedures governing background checks and related security issues.

Legal References:	42 USC 5119a	National Child Protection Act
	10.55.716, ARM	Substitute Teachers
	10.57.201a, ARM	Criminal History Background Check

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Tobacco, Marijuana, Drug and Alcohol-Free Workplace

All Cooperative member districts are tobacco, marijuana, drug, alcohol and tobacco free workplaces. All employees are prohibited from:

- Smoking or otherwise using a tobacco product, vapor product, ~~or~~ alternative nicotine product, or marijuana product (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation) (marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping) while on Cooperative premises or while performing work for the Cooperative;
- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on Cooperative premises or while performing work for the Cooperative; and
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on Cooperative premises or while performing work for the Cooperative.

Nothing herein prohibits an employee from using a smoking cessation product on school property. Upon prior notice and approval by a building administrator, a teacher or other employee may possess a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on school property as part of a lecture, demonstration, or educational forum concerning the risks associated with the use of a tobacco product, vapor product, or alternative nicotine product.

For purposes of this policy, a controlled substance is one that is not legally attainable, being used in a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in federal or state controlled-substance acts. For purposes of this policy, a controlled substance includes medical marijuana. Any employee must notify his or her supervisor of a conviction under any criminal drug statute, for a violation while performing work for the District, no later than five (5) days after such conviction.

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

- Provide each employee with notice of the Cooperative drug- and alcohol-free workplace policy;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to Cooperative employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

An employee who violates this policy may be subject to disciplinary action, including termination. Should Cooperative employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Director will notify the appropriate state or federal agency from which the Cooperative receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction

Legal References:	20 USC 7101	Safe and Drug Free Schools & Community Act
	41 U.S.C. § 702 <i>et al.</i>	Drug Free Workplace Act
	§ 20-1-220, MCA	Use of tobacco products in public school building or on public school property prohibited
	§ 50-46-101 <i>et al.</i> , MCA	Montana Medical Marijuana Act
	10.57.601a, ARM	Definition of Immoral Conduct

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Prohibition on Aiding and Abetting Sexual Abuse

The Cooperative prohibits any individual who is a Cooperative employee, trustee, officer, contractor, or agent from assisting a current or former Cooperative or member school employee, contractor, or agent in obtaining new employment who know or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of law. Assisting a person in obtaining new employment does not include the routine transmission of administrative or personnel files.

This prohibition does not apply if the information giving rise to probable cause

1. Has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, but not limited to Title IX; and
2. One of the following three circumstances has occurred:
 - a. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified Cooperative or school officials there is insufficient information to establish probable cause that the Cooperative or school employee, contractor, or agent committed or attempted, solicited, or conspired to commit the violation of local, state, and/or federal law involving a minor or student;
 - b. the Cooperative or school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
 - c. the case or investigation remains open and there have been no charges filed against or indictment of the Cooperative or school employee, contractor, or agent more than four years from the date the information was reported to law enforcement.

Legal References: §§ 8038, 8556 Every Student Succeeds Act
Title IX, 20 U.S.C. 1681 *et seq.*
MCA § 20-4-110
MCA §45-5-501, *et seq.*
MCA §41-3-101 *et seq.*
Senate Bill 132

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Staff Ethics and Political Activity

All Cooperative employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents, staff members, and others. Employees should not dispense or utilize any information gained from employment with the Cooperative, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee's Cooperative duties. A Cooperative employee, before acting in a manner that might impinge on any fiduciary duty, may disclose the nature of the private interest that would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees must maintain confidentiality with respect to information pertaining to student records, employee records or confidential communications from staff. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The Director and/or Advisory Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties.

No public officer or public employee shall retaliate against or condone or threaten to retaliate against an individual who, in good faith, alleges waste, fraud or abuse.

Political Activity

The Management Board recognizes its employees' rights of citizenship, including, but not limited to, engaging in political activities. A Cooperative employee may seek an elective office, provided the employee does not campaign on Cooperative or school district property during working hours, and provided all other legal requirements are met. An employee elected to office is entitled to take a leave of absence without pay.

Employees may not, in or on Cooperative or school district property, attempt to coerce, command, or require another to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Employees may not solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on Cooperative or school district property. Employees may not use the Cooperative or school district's electronic communication system for political activity, except as permitted by law.

Legal References: 5 USC 7321, et seq. Hatch Act

§ 2-18-620, MCA	Mandatory leave of absence for employees holding public office - return requirements
§ 13-35-266, MCA	Unlawful acts of employers and employees
§ 41-3-205, MCA	Confidentiality – disclosure exceptions
<u>House Bill 208</u>	<u>Retaliation Unlawful</u>

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Personnel Records

The Cooperative maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the Cooperative's administrative office, under the Director's supervision. Employees and their designees will be given access to their personnel records, in accordance with guidelines developed by the Director. In addition to the Director or other designees, the Advisory Board may grant a member of the Board access to cumulative personnel files. Counsel retained by the Advisory Board will also have access to a cumulative personnel file. Personnel files shall be maintained for 10 years after the employee's separation from employment.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Director, as indicated by her initials, and unless the employee has had the opportunity to read the material. The employee shall be entitled to respond to the material and to have that response placed in the file, if requested in a reasonable period of time, not to exceed 10 working days.

The Cooperative shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is assigned to a member school receiving Title I funds.

The Director shall develop procedures regarding the content, maintenance and access to personnel records maintained by the Cooperative.

- | | | |
|-------------------|------------------------------|--------------------------|
| Legal References: | 20 USC 6301 | No Child Left Behind Act |
| | 29 USC 201, et seq | Fair Labor Standards Act |
| | §§ 2-6-1001 et al MCA | Public Records |
| | <u>10.55.724, ARM</u> | <u>Evaluation</u> |
| | 24.9.805, ARM | Employment Records |

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Family Medical Leave

In accordance with provisions of the Family Medical Leave Act, a leave of absence of up to 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; or 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. The Board has determined that the 12 month period during which an employee may take FMLA leave is July 1 to June 30.

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

An employee is eligible for FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested.

Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will be designated FMLA leave. The Director has discretion to require medical certification to determine initial or continued eligibility under FMLA, as well as fitness for duty.

Legal References: 29 USC 2601, et seq. Family and Medical Leave Act
29 USC 201, et seq Fair Labor Standards Act
~~§ 2-6-101~~, §§ 2-6-1001 et al MCA Public Records **Generally**
24.9.805, ARM Employment Records

Cross References:

Policy History:

Adopted on: September 7, 2011

Revised on:

PERSONNEL

Evaluation of Non-Administrative Staff

Each non-administrative staff member's job performance will be evaluated by the Director. The evaluation process includes scheduled annual evaluations using forms applicable to the job classification and description, and day-to-day appraisals. Certified staff members shall be evaluated according to the terms stated in the master contract. **Staff members have a right to access to the evaluation instrument.**

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed in the staff member's personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Director. Staff members may have up to 10 working days to submit a rebuttal to the evaluation for inclusion in the file.

Cross References:

Legal References: **10.55.724, ARM** **Evaluation**

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Disciplinary Action

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

Discipline will be reasonably appropriate to the circumstance and will include, but not be limited to, a supervisor's right to reprimand an employee and the Director's right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Advisory Board may terminate an employee or non-renew employment.

The Cooperative member school districts maintain tobacco, ~~and~~ vapor, and marijuana product free buildings and grounds. Use of tobacco, ~~or~~ vapor, or marijuana products will not be allowed in member school district buildings or grounds. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, alternative nicotine product, or any other tobacco or nicotine innovation. Marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping.

- Legal References: § 16-11-302, MCA Definitions
- § 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
- § 39-2-903, MCA Definitions

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Employee Electronic Services

The Cooperative and its member schools provide computers, networks, and Internet access to enhance the curriculum and learning opportunities for students and school system staff. Employees are to utilize the Cooperative and/or school system's computers, networks and Internet services for school system related purposes and performance of job duties. Incidental personal use of Cooperative and/or school system computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use..." is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

General examples of *unacceptable* uses that are prohibited include, but are not limited to the following:

1. Any use that is illegal or in violation of other policies, including harassing, discriminatory or threatening communications and behavior;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain or commercial advertising or solicitation purposes;
5. Any use as a forum to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school purpose, whether profit or non-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from their immediate supervisor;
6. Any communication that represents personal views as those of the school system or any school unit or that could be misinterpreted as such;
7. Any use of unauthorized, personal networking hardware;
8. Downloading or loading of software applications without permission;
9. Opening and forwarding any e-mail attachments from unknown sources;
10. Any misuse or damage to the school system's computer equipment; and
11. Misuse of computer passwords or accounts, including providing personal passwords to non-school system personnel.

The employee is responsible for his/her actions and activities involving Cooperative and/or school unit computers, network and Internet services, and for his/her computer files, passwords and accounts. The Cooperative and/or school system retains control, custody and supervision of all computers, networks, and Internet services owned or leased by the Cooperative and/or school system. The Cooperative and/or school system reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of

privacy in their use of Cooperative and/or school computers, including e-mail messages and stored files.

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Employees shall be responsible for any losses, costs or damages incurred by the school system related to violations of this policy and/or rules.

The Cooperative assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use on its computers.

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Travel for Cooperative Business

Cooperative employees who provide service to students in the member schools travel on a regular basis to fulfill their job responsibilities.

Cooperative employees will adhere to the travel ~~and per diem~~ policy as outlined in the employee handbook.

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on

PERSONNEL

Breastfeeding in the Workplace

The Cooperative recognizes that breastmilk is the optimal food for growth and development of infants and it encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. The Cooperative promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work.

Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated by the Cooperative. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the Cooperative’s Complaint Procedure.

Time to Express Milk or Breastfeed (Lactation Time)

Lactation times shall be established for each employee based on her work schedule. If possible, the lactation time is to run concurrently with any break time already provided. If a break time is not provided, the Cooperative shall consider each case and make accommodations as possible.

~~Lactation time beyond the regular break time is unpaid.~~

Space and Equipment for Expressing Milk or Breastfeeding

The Cooperative will provide reasonable accommodations for staff to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. Employees shall be provided the use of a clean, comfortable space or “Lactation Area.” A toilet shall not serve as the lactation area.

The Lactation Area will:

- a. be shielded from view and free from intrusion from the public, students, and other staff
- b. be equipped with an electrical outlet
- c. have access to a place to store expressed breast milk safely
- d. be in close proximity to the employee’s work area, if possible
- e. contain comfortable seating.

Legal References: § 39-2-215, MCA Public employer policy on support of women and breastfeeding – unlawful discrimination

 § 39-2-216, MCA Private place for nursing mothers

 § 39-2-217, MCA Break time for nursing

 § 50-19-501, MCA Nursing mother and infant protection

37.111.811(1)(g) ARM Physical Requirements

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Conflicts of Interest

Employees shall refrain from any activity that can be reasonably seen as creating a conflict of interest with their duties and responsibilities as employees of the **Cooperative District**.

The following conduct is specifically prohibited:

- Using public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- Engaging in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- Assisting any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the **Cooperative District**;
- Assisting any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the **Cooperative District**;
- Performing an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; ~~or~~
- **Performing an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the employee has a substantial personal interest in a competing firm or undertaking; or**
- Soliciting or accepting employment, or engaging in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the employee's supervisor and **Superintendent Director**.

Employees who violate this policy will be subject to disciplinary action, up to and including termination from employment.

Cross Reference:

Legal Reference:	<u>§2-2-104, MCA</u>	<u>Rules of conduct for public officers, legislators, and public employees</u>
	<u>§2-2-105, MCA</u>	<u>Ethical requirements for public officers and public employees</u>
	§ 2-2-121, MCA	Rules of conduct for public officers and public employees

Policy History:

Adopted on:

Revised on:

OPERATIONAL SERVICES

Prime Agency

The ~~County Superintendent~~ **North Central Learning Resource Center** shall be designated as the Prime Agency for the Cooperative, pursuant to §§ 20-9-701 and 20-3-208(3), MCA. ~~In the event the Prime Agency desires to terminate its relationship with the Cooperative, notification must be presented to the Advisory Board, in writing, by the March meeting.~~

The Prime Agency shall establish an interlocal cooperative fund for the purpose of the financial administration of the Interlocal Cooperative Agreement.

- Legal References:
- § 20-7-451, MCA Authorization to create full service education cooperative
 - § 20-7-452, MCA Detailed contents of full service education cooperative contracts
 - § 20-9-701, MCA Definition of prime and cooperating agencies
 - 10.16.3902, ARM Advisory Board

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

OPERATIONAL SERVICES

Fiscal and Business Management

The Director is responsible for the Cooperative's fiscal and business management. To that end, the Director, in conjunction with the Business Manager, shall prepare a budget that supports immediate and long-range goals and established priorities within all areas of instructional, non-instructional, and administrative programs. The final budget shall be approved by the Joint Advisory Board in a timely fashion, following the receipt of final federal and state distributions.

The Director shall implement the Cooperative's budget and provide the Advisory Board with a monthly financial report. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Director. All purchasing shall be handled pursuant to Cooperative policy and any administrative regulations.

Legal References: § 20-7-452, MCA Detailed contents of full service education
 cooperative contracts
 Advisory Board
 10.16.3902, ARM

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

OPERATIONAL SERVICES

Procurement of Supplies, Materials, Equipment and Services Using Federal Funds

Procurement of all supplies, materials, equipment, and services paid for from federal funds or matching funds shall be made in accordance with all applicable federal, state, and local statutes and/or regulations, the terms and conditions of the federal grant, Cooperative policy, and administrative procedures. Procurement of any supplies, materials, equipment or services not using federal funds shall be subject to Cooperative Policy 4015 and state law.

The Director shall maintain a procurement and contract administration system in accordance with the requirements for the administration and management of Federal grants and Federally-funded programs. The Cooperative shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Cooperative's general purchasing policy.

The Cooperative shall take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

All Cooperative employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts.

The Cooperative will avoid acquisition of unnecessary or duplicative items and shall give consideration to mechanisms to obtain a more economical purchase (i.e., consolidating or breaking out procurements where permitted under state law). Where appropriate, the Cooperative shall conduct an analysis of lease versus purchase alternatives and any other appropriate options to determine the most economical approach.

To foster greater economy and efficiency, the Cooperative may engage in cooperative purchasing where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions paid for from federal funds or matching funds shall be conducted in a manner that encourages full and open competition and that is in good administrative practice and sound business judgment. To promote these purposes, the Cooperative shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Further, the Cooperative does not use statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals under this policy, unless (1) an applicable federal statute expressly mandates or encourages a geographic preference; or (2) the

Cooperative is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the Cooperative uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list shall include a sufficient number of qualified sources as to ensure maximum open and free competition. The Cooperative allows vendors to apply for consideration to be placed on the list at any time and they must re-qualify every twenty-four (24) months in accordance with administrative procedures established by the Director.

Solicitation Language

The Cooperative shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications will be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Cooperative shall not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Cooperative shall utilize the following methods of procurement:

Micro-Purchases

Purchases of supplies, materials, services, or equipment using federal funds less than \$10,000 shall be "Micro-Purchases." The Cooperative is not required to use a formal bidding process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably distributed among all qualified sources. The Cooperative shall maintain all procurement documentation to ensure the cost is less than \$10,000 for a Micro-Purchase.

Small Purchases

Purchases of supplies, materials, services, or equipment using federal funds between \$10,000 and \$80,000 shall be considered "Small Purchases." The Cooperative is not required to use a formal bidding process for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small Purchase, the Cooperative shall obtain at least

two or more price quotes. The Cooperative shall maintain all procurement documentation to ensure the cost is less than \$80,000 but more than \$10,000 for a Small Purchase.

Sealed Bids

Sealed bids shall be used when the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Sealed, competitive bids shall be obtained when the purchase of, and contract for supplies, materials, or equipment (including construction projects) which exceeds \$80,000 and would utilize federal funds or matching funds.

1. Bids shall be solicited in accordance with the provisions of state law and Cooperative policy. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
5. The Cooperative reserves the right to reject any or all bids for sound documented reason.

Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The Cooperative shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Price may not be considered where procuring architectural/engineering services; compensation is subject to negotiation of a fair and reasonable fee after selection.

Noncompetitive Proposals

The Cooperative may only solicit a proposal from a sole source when one or more of the following circumstances apply:

1. The item is available only from a single source;

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Cooperative;
or
4. After solicitation of a number of sources, competition is determined to be inadequate.

Contract/Price Analysis

The Cooperative shall perform a cost or price analysis in connection with every procurement action in excess of \$80,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Cooperative shall come to an independent estimate prior to receiving bids or proposals.

Time and Materials Contracts

The Cooperative uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time and materials type contract is a contract whose cost to the Cooperative is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Suspension and Debarment

The Cooperative will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Cooperative and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Cooperative shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Director shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts.

The Cooperative shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Cooperative shall confirm that the vendor is not debarred or suspended by verifying such status.

Maintenance of Procurement Records

The Cooperative maintains records sufficient to detail the history of all procurements. These records include, but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

Legal References:	§ 18-1-101 et seq., MCA	Public Contracts
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids
	2 C.F.R. Part 180	
	2 C.F.R. 200.317	
	2 C.F.R. 200.318	
	2 C.F.R. 200.319	
	2 C.F.R. 200.320	
	2 C.F.R. 200.321	
	2 C.F.R. 200.322	
	2 C.F.R. 200.323	
	2 C.F.R. 200.324	
	2 C.F.R. 200.325	
	2 C.F.R. 200.326	
	48 C.F.R. chapter 1	

Cross References:	Policy 2095	Conflicts of Interest
	Policy 4015	Purchasing

Policy History:

Adopted on:

Revised on:

OPERATIONAL SERVICES

Employee Safety

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

Hazardous and Infectious Materials

The Director shall take all reasonable measures to protect the safety of Cooperative personnel from risks associated with hazardous materials, including pesticide, and infectious materials. Specific procedures for handling hazardous or infectious materials may be found in the member district's Safety Plan.

Safety Measures

The Cooperative is authorized to adopt reasonable safety measures to protect the safety of Cooperative employees and member district personnel, students, and visitors on Cooperative or district premises and during school-related activities. Reasonable safety measures include adoption of cleaning/sanitization plans, use of physical safeguards/barriers, and required use of personal protective equipment (e.g., face masks). Exceptions to any requirements adopted by the Cooperative Director or member district may be granted as required by law and on a case-by-case basis.

Legal References: §§ 39-71-1501, MCA Montana Safety Culture Act
 §§ 50-71-311, MCA Montana Safety Act

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on: