

**5000 SERIES  
PERSONNEL  
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**Accommodating Individuals With Disabilities**

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. The District will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Board will designate the Americans With Disabilities Act, Title IX Coordinator (Supervising Teacher, per Section 3210) and, in that capacity, the person is directed to:

1. Oversee the District's compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection.
2. Institute plans to make information regarding Title II protection available to any interested party.

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

Cross Reference: 5240P Uniform Grievance Procedure

Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 1211 et seq. and 12131 et seq; 28 C.F.R. Part 35

Policy History:  
Adopted on: 2008-09  
Revised on:

**Equal Employment Opportunity and Non-Discrimination**

The District shall provide equal employment opportunities to all persons, regardless of their race, color, creed, religion, national origin, sex, age, ancestry, marital status, military status, citizenship 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 accommodations, and other legally protected categories.

The District will make reasonable accommodations for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodations will impose undue hardship upon the District.

Inquiries regarding discrimination should be directed to the Board of Trustees. Specific written complaints should be directed to the County Superintendent. There is recourse external to the organization such as the Montana Human Rights Commission or the Office of Civil Rights.

Cross Reference: 5240P Uniform Grievance Procedure

<p>Legal Reference:</p> <p>Age Discrimination in Employment Act, 29 U.S.C. §§ 621 <u>et.seq.</u>  Americans with Disabilities Act, Title I, 42 U.S. C. § 12111, <u>et.seq.</u>  Act of Equal Pay Act, 29 U.S.C. § 206(d)  Montana Constitution, Article X, Section 1  Immigration Reform and Control Act, 8 U.S.C. § 1324 (a), <u>et.seq.</u>  Rehabilitation Act of 1973, 29 U.S.C. §§ 791, <u>et.seq.</u>  Title VII of Civil Rights Act, 42 U.S.C. §§ 2000(e), <u>et. seq.</u>, 29 C.F.R., Part 1601  Title IX of the Education Amendments, 20 U.S.C. §§ 1681, <u>et.seq.</u>, 34 C.F.R., Part 106  §§ 49-2-101, et. al., MCA  § 49-3-102, MCA  § 49-3-201, MCA  §§ 49-3-205, MCA  § 39-3-104, MCA</p>	<p>Human Rights Act  Freedom from Discrimination  Employment of State and  Local Government Personnel  Governmental Services  Equal Pay for Women for Equivalent Service</p>
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Policy History:  
Adopted on: 2008-09  
Revised on:

**Sexual Harassment/Sexual Intimidation in the Workplace**

The District shall do everything in its power 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.

District employees shall not make sexual advances or request sexual favors or engage in any 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 the 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 of 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.

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the County Superintendent, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Cross-Reference: Uniform Grievance Procedure, 3215

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. 1604.11  
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.  
Montana Constitution, Art. X, § 1  
§ 49-2-101, MCA - Human Rights Act  
Harris v. Fork Lift Systems, 114 S.Ct. 367 (1993)

**Policy History:**

Adopted on: 2008-09

Revised on:

**Hiring Procedures and Criteria**

All staff members make important contributions to a successful education program. The District shall hire the best-qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy on equal employment opportunities. All applicants must complete a District application form in order to be considered for employment.

Each applicant must provide a written authorization for a criminal background investigation. The County Superintendent will keep a conviction record confidential as required by law and District policy. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Contracts, as required by law, for certificated staff shall not exceed one year and shall be executed in duplicate by the Chair of the Board and the Clerk of the District, and by the teacher or specialist.

**Vacancies**

When the District determines that a vacancy exists, that vacancy may be posted in each school building. Vacancies may be advertised in-District only or they may be advertised in-District and through Career Services at a college or university, local public advertising and, where appropriate, if time permits, through a broader regional and/or national basis.

**Certification**

The district shall require that its contracted certificated staff hold a valid Montana Teacher Certificate endorsed for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to the staff member unless a valid certificate for the role to which he/she has been assigned has been registered with the County Superintendent of Schools within 60 calendar days after the term of service begins.

All contracted teachers shall bring their current, valid certificates, at the time of each renewal of certification, as well as at the time of initial employment, to the County Superintendent.

Legal Reference:	§ 20-3-205(3), MCA § 20-4-201, MCA § 20-4-202, MCA § 20-4-205(2), MCA § 20-4-206(2), MCA 10.55.302, ARM	Powers and Duties Employment of Teachers and Specialists by Contract Teacher & Specialist Certification Registration Notification of Tenure Teacher Reelection Notification of Non-tenure Teacher Reelection Certificates
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Policy History:  
Adopted on: 2008-09  
Revised on:

**Criminal Background Investigations**

It is the policy of the Board that all employees hired who care for or supervise students; or have access to students in schools will submit to a background investigation conducted by the appropriate law enforcement agency. The Board is charged with the responsibility for carrying out the intent of this policy. Since all Montana licensed educators are required to have a background check as a condition of receiving their licenses, this policy does not require a further background check of those professionals.

The following applicants for employment, as a condition for employment, will authorize in writing, a background investigation to determine if he or she has been convicted of certain criminal or drug offenses:

- \* an educational support personnel employee seeking full-time employment within the district;
- \* an educational support personnel employee seeking concurrent part-time employment positions with one or more school districts;
- \* an employee of a person or firm holding a contract with more than one school district and the employee is assigned to more than one school district;
- \* a volunteer assigned within the district who has access to students.

An applicant must be of good character. If he/she 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 Board must be notified of the arrest or conviction, and the Board and his/her supervisors will review the facts and decide whether the applicant shall be declared eligible for appointment.

A record of conviction resulting from the background check will be held as confidential and shared only with the Board, the County Superintendent, the Superintendent of Public Instruction, the State Board of Public Education, or any other person necessary to the hiring decision.

A copy of the record of convictions obtained from the Department of Justice will be provided to the applicant.

Legal Reference:	§ 10-57-201, MCA	Criminal history background check
	§ 44-5-301, MCA	Dissemination of public criminal justice information
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§ 44-5-303, MCA	Dissemination of confidential criminal justice information

Policy History:  
Adopted on: 2008-09  
Revised on:

**AUTHORIZATION TO RELEASE INFORMATION**

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am seeking employment or volunteer status with the Upper West Shore School District #33. I acknowledge that a complete investigation into my background is necessary to protect the safety and welfare of the children in the Upper West Shore School District #33. I hereby expressly and voluntarily give the Upper West Shore School District #33 the right to make a thorough investigation of my past employment, education, and activities. I specifically authorize the release of any and all information of a confidential or privileged nature, **including confidential criminal justice information as defined in Section 44-5-103(3), MCA**, to the staff of the Upper West Shore School District #33 and its agents. I understand that the Upper West Shore School District #33 reserves the right to use any lawful method of investigation that, in its sole discretion, it deems reasonable and necessary.

I hereby release the Upper West Shore School District #33 and any organization, company, institution, or person furnishing information to the District and its agents as expressly authorized above, from any liability for damage which may result from any dissemination of the information requested, subject to the provisions of Title 44, Chapter 5, Part 3, MCA.

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Print Full Name: \_\_\_\_\_

Print Full Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

STATE OF MONTANA )  
 : ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 200\_, before me, a notary public of the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Release, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public, State of Montana  
County of \_\_\_\_\_  
My commission expires \_\_\_\_\_

**Classified Personnel - Definition of**

The term "classified personnel" is defined for the purpose of this Board policy as those employees of the Public School whose positions of employment do not require professional certification under the provisions of Montana School Law, but who are employed for hourly work. Classified positions of employment shall include but are not limited to secretaries, bus drivers, bookkeepers, classroom instructional/library aides, custodians (other than those with stationary engineer's license) and any position that does not require certification or licensure under Montana School Law, and which is otherwise non-exempt under the Fair Labor Standards Act. When an employee is retained in both a classified and certified position during the course of a year, the provisions of the classified personnel policies shall apply to the employee's performance of duties in the classified employee's position.

All employees retained in a classified position (classified employee), shall be defined as "classified personnel" for the purpose of these Board policies.

The Board of Trustees will assure that "Classified" policy will provide for an impartial treatment of all employees, consistent with good personnel practices. All rules and regulations, Board policies and administrative procedures shall be available to employees in the school.

Classified personnel will be categorized on the basis of the conditions of the employment agreement. These categories are:

1. Full time/full year: 40 hours per week/52 weeks per year.
2. Full-time/part year: 40 hours per week but less than twelve months.
3. Part time: Normally works less than full time as defined by Montana law.
4. Temporary (as needed): Employed on any basis but duration of employment is indefinite. Generally paid on an hourly rate basis; being "on-call."
5. Seasonal, short term and temporary: As needed as defined by law.

The board will set a beginning and ending date in each classified contract.

A job or position description shall be developed for all ongoing regular positions filled by a classified employee.

**Classified Employment and Assignment**

Each permanent classified employee shall receive a contract of employment signed by the Chair of the Board of Trustees and thereafter shall receive a Change of Status Form for any substantial and significant changes in employment conditions affecting the employee's hours, assignment, or wages.

The employment of classified staff shall be on an at-will basis commencing from the first day of work.

Legal Reference:       § □ 2-18-101, 601, MCA Definition of employees  
                               § □ 39-2-503, MCA     Termination at will  
                               Bowden v. The Anaconda Co. 38 St. Rep. 1974 (D.C. Mont. 1981).  
                               Scott v. Eagle Watch Inv., Inc., 251 Mont. 191, 828 P2d 1346 (1991)  
                               Prout v. Sears, Roebuck & Co., 236 Mont. 152, 722 P2d 288 (1989).

**Policy History:**

Adopted on: 2008-09

Revised on:



**Placement of Substitute Teachers**

All teachers shall use the following procedures with regard to normal temporary replacement of certified teachers:

- A. Placement of substitute teachers shall be done exclusively through the Clerk of the District.
- B. Any teacher who becomes ill or who must be absent for some other reason shall request a substitute, from the Clerk's roster, as soon as possible (no later than 7:30 a.m.) The teacher shall also call the supervising teacher.
- C. Teachers who are absent on a particular day shall notify of their intent to return or not to return the following day by 4 p.m. The Supervising Teacher shall then notify substitutes before departure of the fact that they will or will not be needed in the same assignment the following day.
- D. Should a teacher have declared his/her intent to return to duties after an absence but subsequently finds that there is a reoccurrence of the illness or a deteriorating condition which requires continued absence, it shall be the teacher's responsibility to re-call the Clerk and re-request a substitute.
- E. Except when notified to the contrary, each substitute teacher shall be released from duty at the close of the school day on Friday or on the last school day before the start of any vacation.
- F. In the event that the returning teacher has failed to notify the school of his/her intent to return to duty the next day, and the substitute and the teacher both appear for duty on the ensuing day, the regular teacher will be expected to perform the classroom duties but the substitute shall be compensated for one-half (1/2) day.

The teacher shall also leave written instructions for the substitute, clearly outlining daily activities and any books or papers to be utilized. In return, the substitute will leave written comments or suggestions for the teacher.

The Board has clearly established a daily rate of pay for substitute teachers. No fringe benefits are given substitutes. The hours for a substitute shall be the same as the regular school day. A substitute shall report to the Supervising Teacher, upon arrival, for special instructions.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Job-Sharing Staff Members**

A job-sharing assignment is the sharing of one full-time or nearly full-time regular position between two persons. The Board of Trustees will determine those positions and persons where job-sharing would best meet the needs of the District.

The District reserves the right to:

1. Determine the number, if any, of job-sharing positions within the District;
2. Require job-sharers to attend staff meetings, professional development, inservice and other meetings as expected of their non-job-sharing colleagues;
3. Abolish any job-sharing position at any time;
4. Change a job-sharing position to a non-job-sharing position at the sole discretion of the District;
5. Deny any staff member's request to change a job-sharing position to a non-job-sharing position or vice versa.
6. Require job-sharing staff members to work full-time in the event of the termination or resignation of one of the job-sharing staff members or until such time as such staff member can be replaced according to the District's satisfaction and sole discretion.
7. Require one job-sharer to assume leadership and administrative responsibility for the position to insure that the rules, functions and responsibilities of the position are fulfilled.

Those contingencies that may arise during the course of employment such as, but not limited to, the absence or resignation of one of the job-sharers, the computation of employment benefits, and the responsibilities to participate in staff meetings and on committees shall be discussed with and set forth in writing for the benefit of the employees job-sharing and the Board. The purpose of such a statement is to resolve potential conflicts in an equitable fashion before they arise.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Work Day**

**Length of Workday - Certified**

The length of a normal workday for a certified employee shall begin at 7:30 a.m. and end at 5:30 p.m.

**Length of Workday - Classified**

The length of a classified workday is governed by the number of hours for which the employee is assigned. The workday is inclusive of lunch and of breaks unless otherwise and specifically provided for by the individual contract. The appropriate supervisor will establish each employee's schedule.

**Breaks**

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

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

Legal Reference:	29 USC 201 to 219 29 CFR 516, et seq. § 39-4-107, MCA § 39-3-405, MCA 10.55.209, ARM 10.65.103(2), ARM 24.16.102, et seq., ARM	Fair Labor Standards Act of 1985 FLSA Regulations State and Municipal Governments, School Districts Overtime Compensation Standard School Day Program of Approved Pupil Instruction-Related Days Wages and hours
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**Policy History:**

Adopted on: 2008-09  
Revised on: 12/16/2013  
Revised on: 05/26/2016

**Evaluation****Certified Staff**

The Board of Trustees with the assistance of the County Superintendent shall develop evaluation procedures for teachers. All new teachers shall be observed at least three times and evaluated at least once in their first year. All non-tenured teachers shall be observed twice and evaluated at least once each school year. All tenured teachers shall be evaluated at least once every three years and participate in professional goal-setting with the County Superintendent on a yearly basis. Annual professional goal-setting shall include observations as needed.

**Classified Staff**

Each classified employee shall be evaluated as needed, but no less than once every three years.

**Policy History:**

Adopted on: 2008-09

Revised on: 2013-2014

**Personal Conduct**

Employees are expected to maintain high standards of honesty, integrity and impartiality in the conduct of District business.

In accordance with state law, an employee should not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment which creates a conflict of interest with the faithful and impartial discharge of his or her District duties. A District employee may, prior to acting in a manner which may impinge on his/her fiduciary duty, disclose the nature of his/her private interest which creates 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 hold confidential all information deemed to be not for public consumption as determined by state law and board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Discretion must be employed even within the school system's own network of communication.

Employees shall be courteous, considerate and prompt in dealing with and serving the students, parents, other staff, or the public.

Administration and supervisors may set forth specific rules and regulations governing employee's conduct on the job within a particular building.

See Appendix E - Code of Ethics for Teachers

**Policy History:**

Adopted on: 2008-09

Revised on:

**Tobacco-Free and Drug-Free Workplace**

**Tobacco Free**

The District maintains tobacco-free buildings and grounds. Use of tobacco will not be allowed in any buildings or grounds, nor will employees be allowed to use tobacco while on duty. New employees of the District will be hired with the understanding they will be directed not to use tobacco in school buildings or grounds. Limitations or prohibitions on tobacco use are applicable to all hours.

**Drug and Alcohol Free**

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

- Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District, **including employees possessing a “medical marijuana” card.**
- Distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

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

- not legally obtainable;
- ■ being used in a manner different than prescribed;
- ■ legally obtainable, but has not been legally obtained; or
- ■ referenced in federal or state controlled substance acts.

As a condition of employment, each employee shall:

- abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
- ■ notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five (5) days after such a conviction.

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

- provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
- post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
- enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees; and
- inform employees of available drug and alcohol counseling, rehabilitation, re-entry and any employee assistance programs. (Reference: Policy #5257)

**District Action Upon Violation of Policy**

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

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District 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 Board of Trustees shall notify the appropriate state or federal agency from which the District receives contract or grant monies of the employees conviction with 10 days after receiving notice of the conviction.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Staff Health and Communicable Diseases**

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

Under the circumstances defined below, the Board may require physical examinations of its employees. The District shall pay for all such physical examinations. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

**Physical Examinations**

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The District may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subject to such examination.

If approved by personnel services, a 30-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

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

**Communicable Diseases**

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

An employee with a communicable disease shall not report to work during the period of time in which she/he is contagious/infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The district reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

**Confidentiality**

In all instances, District personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person will be provided with necessary medical information).

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

Legal Reference: 29 U.S.C. 794, Section 504 of the Rehabilitation Act  
29 CFR, Section 1630.14(c)(1)(2)(3)  
41 U.S.C. 12101 et seq., Americans with Disabilities Act  
Title 49, Chapter 4, MCA, Rights of the Handicapped  
Title 49, Chapter 2, MCA, Illegal Discrimination  
§ 20-10-103(4), MCA  
24.9.1401, et seq, ARM  
16.28.101, et seq, ARM

**Policy History:**

Adopted on: 2008-09

Revised on:

**Prevention of Disease Transmission**

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

The Board of Trustees shall develop, in consultation with public health and medical personnel, procedures to be followed by all staff. The procedures shall be distributed to all staff and training on the procedures shall occur on a regular basis. Training and appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

In addition to insuring that these health and safety procedures are carried out on a District-wide basis, special emphasis shall be placed on those areas of school district operation that present a greater need for these precautions.

**Policy History:**

Adopted on: 2008-09

Revised on:



**Personnel Records**

The District maintains a complete personnel record for every current employee and former employee. The employee's personnel record shall be maintained in the County Superintendent's office. An employee will be given access to his or her personnel records, according to the guidelines developed by the Board. Members of the Board, when authorized through Board action, may have access to cumulative personnel files. Counsel retained by the Board or the employee shall also have access to cumulative personnel file, when specifically authorized by the Board.

**Payroll and Employee Benefit Plans**

The public shall, upon request and with approval of the County Superintendent, have access to payroll records and benefit plans for any or all employees of the district.

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

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

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

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

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

**Personnel Files**

The Clerk shall maintain cumulative personnel files (employee records). Access to personnel files shall be limited to the Board, and the County Superintendent, to the Board's legal counsel, and to the employee, the employee's signed designee, or the employee's legal counsel. A record by name and date of any party reviewing a file shall be maintained in that file, and those who have access to the files shall be required to maintain the confidentiality of the files and their contents.

An employee shall have the right, with prior arrangement, during normal business hours, to review the contents of his/her personnel file in the presence of the Clerk or other authorized staff member.

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

Legal Reference: 10.55.701, ARMBBoard of Trustees

**Policy History:**

Adopted on: 2008-09

Revised on:

**Resolution of Staff Complaints**

As circumstances allow, the District will attempt to provide the best working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately by supervisors or the Board.

To fulfill this commitment, the following policy has been established:

- ■ The District will endeavor to promote fair and honest treatment of all employees. All employees are expected to treat each other with mutual respect.
- ■ each employee has the right to express his or her views concerning policies or practices to the Board in a business-like manner, without fear of retaliation. Employees are encouraged to offer positive and constructive criticism.
- ■ each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement.
- No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, business-like manner.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Uniform Grievance Procedure**

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

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

**Level 1: Informal:** An individual with a complaint is encouraged to first discuss it with the teacher, or staff member involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the County Superintendent.

**Level 2: County Superintendent:** If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the County Superintendent within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

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

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the County Superintendent shall turn the complaint over to the Nondiscrimination Coordinator (the Supervising Teacher, per Section 3210) who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the County Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the County Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the County Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

**Level 3: The Board:** If either party is not satisfied with the decision of the County Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the County Superintendent's decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the County Superintendent to the Board bears the burden of proving a failure to follow Board policy.

Upon receipt of a written appeal of the decision of the County Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

**Level 4: County Superintendent:** If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent, who shall appoint an impartial County Superintendent, by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

**Procedure History:**

Promulgated on: 2008-09

Revised on:

**Non-Renewal of Employment/Dismissal From Employment**

The non-renewal, termination or dismissal of certificated and classified staff shall be determined by the Board after receiving the recommendation of the County Superintendent or, in the case of classified employees, the Supervising Teacher or other appropriate individual in conformity with state statutes and applicable district policy.

**Payment of Wages Upon Termination**

When a district employee quits, is laid off, or is discharged, wages owed will be paid on the next regular pay period in which the employee left employment or within fifteen (15) days, whichever occurs first. In the case of an employee discharged for allegations of theft connected to the employee's work, the district may withhold the value of the theft provided:

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

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

**Resignations**

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

Classified employees (i.e. non-certified employees) are expected to give due written notice that will permit the district to conduct a search for a suitable replacement. Generally speaking, the Board of Trustees expects a two-week notice.

All resignations should be in writing. The immediate supervisor shall be informed in writing of the resignation and a copy of the resignation shall be delivered to the Board Chair.

**Retirement Programs for Employees**

All employees of the Dayton Public School shall participate in the retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System as designated in state retirement regulations.

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

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

The Board of Trustees directs the Clerk to develop procedures and will review them, by which contributions shall be determined for previously unclaimed prior service.

Legal Reference:	Title 19, Chapter 1, MCA Title 19, Chapter 3, MCA Title 19, Chapter 20, MCA § 20-3-3244, MCA § 20-4-204, MCA § 20-4-206, MCA  § 20-4-207, MCA	Social Security Public Employees' Retirement System Teachers' Retirement System Duties and powers of Trustees Termination of tenure teacher services Notification of non-tenure teacher reelection - acceptance - termination and statement of reasons. Dismissal of teacher under contract
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**Policy History:**

Adopted on: 2008-09

Revised on:

**Disciplinary Action - Employees**

District employees who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisors or who conduct themselves on or off the job in ways that affect their effectiveness on the job or in other such ways that the law determines to be good cause shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or dismissal may include, but is not limited to, insubordination, fraud, theft, violation of District policies and other reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District's operation, or other legitimate business reason.

Discipline shall be reasonably appropriate to the circumstance and shall include, but is not limited to, the supervisor's right to reprimand and to suspend with or without pay or impose other appropriate disciplinary sanctions. In accordance with Montana law, only the board of trustees may terminate or non-renew an employee.

Legal Reference:       § 20-3-324, MCA       Powers and Duties  
                          § 20-4-207, MCA       Dismissal of Teacher Under Contract  
                          § 20-3-210, MCA       Controversy Appeals and Hearings  
                          § 39-2-903, MCA       Definition of good cause  
**Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.**

Policy History:  
Adopted on: 2008-09  
Revised on:

**Reduction in Force**

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

The reduction in certified employees will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the Board may terminate certified employees.

It shall be the responsibility of the County Superintendent or the Supervising Teacher to make a recommendation for termination to the Board. The County Superintendent or the Supervising Teacher shall consider the following criteria in making the recommendations:

- Endorsements and educational preparation within the grade level and subject areas in which the employee is now performing;
- Relative skills, ability and demonstrated performance; and
- Number of continuous years of service to the School District. This will be considered only when the foregoing factors are relatively equal between certified employees.

Cross Reference: #5254 Non-renewal or Termination of Contract

Legal Reference: § 20-4-206(4), MCA Notification of Non-tenure Teacher Reelection

Policy History:

Adopted on: 2008-09

Revised on:

Leaves

**Sick Leave - Policy and Objectives**

It is the policy of the Dayton Public School to grant its classified employees sick leave benefits in accordance with Section 2-18-618, MCA. Teachers shall be granted sick leave in accordance with the provisions of their teaching contracts/Board policy.

Sick leave means a leave of absences with pay for a sickness suffered by an employee or his/her immediate family. Immediate family shall mean the employee's spouse, children, siblings, parents, grandchildren, and grandparents.

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

The objectives of this policy are to establish functional uniform procedures for calculating and granting sick leave benefits in accordance with Section 2-18-618, MCA.

Further, it is an objective of this policy to assure compliance with the maternity leave requirements specified in the Civil Rights Act of 1964 and the Montana Maternity Leave Act. Sick leave will be available for pregnancy, miscarriage, childbirth, and recovery there from.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a pay status.

Abuse of sick leave is cause for discipline up to and including termination/discharge.

**Bereavement Leave**

A full-time employee who has a death in the family is eligible for up to 5 days of paid bereavement leave, which the supervising teacher has the authority to approve. Part-time employees are eligible for prorated bereavement leave. Employees seeking more than the allotted number of days of bereavement leave must apply for that leave through the Board. The Board may grant additional unpaid leave in its sole discretion. For the purposes of bereavement leave, "family" is defined as the employee's spouse, child, parents, siblings, grandparents, grandchildren and a spouse's like relations.

**Civic Duties Leave (For Certified Only)**

Employees can request pay for absences for Jury Duty or other appearances in court in response to a duly served subpoena, except where the employee is a litigant in the case. The pay for subpoena leave shall be the regular rate of pay for the employee. The employee shall keep the supervisor informed of the length of absence.

**Personal Leave (For Certified Only)**

Each full-time teacher is allowed eighty (80) hours of paid personal leave each year.

1. In the case of emergencies generated in conjunction with a scheduled School District vacation or holiday precluding the return of a staff member, application for personal leave may be made on return.
2. Personal leave days will not be granted during the first two or the last two days of any school semester, nor during any Pupil Instruction Related Day for teachers unless approved by the Board.
3. Personal leave is not cumulative

**Military Leave**

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will

comply with all federal regulations regarding the employee's return to service following military leave.

**PERSONNEL**

**Vacation Leave**

Certified employees will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Classified employees will be granted vacation leave pursuant to the terms of their individual contracts. The District, in its sole discretion, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

**Extended and/or General Leave Requests (Discretionary)**

The Board of Trustees reserves final approval of all discretionary extended leave requests, whether with or without pay. This shall include those leaves under the Voluntary Career Development Plan, as well as discretionary leaves without pay. All such leave requests must come before the Board for its approval.

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

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

Medical certification of the long-term illness or temporary disability may be required at the Board's discretion. Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery there from. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the after-math of miscarriage or other pregnancy-related complications. Such leave shall not exceed six weeks unless prescribed by a physician. The teacher on maternity leave will be paid the difference between the teacher's salary and the cost of hiring a substitute teacher. Leave time will be in addition to any unused personal leave granted by the teacher contract.

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

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

Cross Reference: #5328 Family Medical Leave Act

Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick Leave
	§ 2-18-619, MCA	Jury Duty - Service as Witness
	§ 49-2-311, MCA	49-2-310, MCA Maternity leave
		Reinstatement to job following pregnancy - related to leave of absence

Policy History:  
Adopted on: 2008-09



Revised on:

**Insurance Benefits for Employees**

It is the policy of the Dayton Public School that newly hired employees will be eligible for insurance benefits offered by the District with the exceptions noted below:

1. Classified employees who are less than half time (that is, who are regularly scheduled to work less than 20 hours per week) will not be eligible for group health, dental and life insurance, and will not be considered to be a member of the defined employee insurance benefit groups.
2. Any permanent employee who works half time or more is eligible for group health and/or dental insurance. All medical and dental insurance premiums shall be pro-rated in the amount of the full contract in terms of full-time equivalency times the District's maximum contribution as prescribed by Board policy. Life insurance benefits shall accord with Board policy or the applicable CBA.
3. An employee who does not work during the summer, but who has been employed during the previous academic year, shall be eligible at his/her election to continue group health, dental and life insurance coverage during the summer months. For certified personnel, the District will pay the District's portion of the premium during the summer if the certified employee has worked at least 135 days during the preceding school year. A classified employee who works less than 12 months shall have his/her premium paid for summer months (in the same proration as existed during the academic year) if the employee has worked at least 180 days during in the preceding school year.
4. An employee who has not completed the required number of days must pay the total premium (employee and employer portion) for June, July and August by the last day of school. This payment is made to the District's clerk.

If an eligible employee wishes to discontinue or change health insurance coverage, it is incumbent upon the employee to initiate the action by contacting the Clerk and completing the appropriate forms. A medical examination at the expense of the employee may be required if the employee elects to join the District health insurance program after initially refusing coverage during the "open season" (September).

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

Legal Reference:   § 2-18-702, MCA           Group insurance for public employees and officers  
                          § 2-18-703, MCA           Contributions

**Policy History:**

Adopted on: 2008-09

Revised on:

## PERSONNEL

### Workers' Compensation Benefits

All employees of the District are covered by Worker's Compensation benefits.

In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment if emergency prevails;
2. Correct or report as needing correction the hazardous situation as soon as possible after the emergency is stabilized;
3. Report the injury or disabling condition (whether actual or possible) to the immediate supervisor within 48 hours on the Employers First Report of Occupational Injury or Disease; and
4. Call or visit the Clerk after medical treatment if needed to complete the necessary report of accident and injury, the Occupational Injury or Disease Form.

The Clerk shall notify the immediate supervisor of the report, and shall include the immediate supervisor in completing the report as required.

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

The District will not automatically and simply defer to a report of industrial accident. The District shall investigate, as it deems appropriate, to determine (1) whether continuing hazardous conditions exist that need to be eliminated, and (2) whether in fact an accident attributable to the District's working environment did occur as reported. The District may require the employee to authorize his/her physician to release pertinent medical information to the District's personnel office or to a physician of the District's choice should an actual claim be filed against the Worker's Compensation Division that could result in additional fees levied against the District.

An employee who elects to receive Worker's Compensation benefits shall, upon commencement of the benefits, be considered in a Leave Without Pay status, and shall no longer be eligible for District group insurance benefits except as may be required by the Family Medical Leave Act and to the extent provided for all employees on Leave Without pay status, i.e., that all premiums are due in advance on a monthly basis for the duration of the Leave without Pay. The District will discontinue its contributions for group insurance on behalf of any employee on a Leave Without Pay status at the end of the month in which Leave Without Pay commences.

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

#### Policy History:

Adopted on: 2008-09

Revised on:

**Professional Development**

The District recognizes that additional training and study are advantageous for the continued growth and ability of District employees. As part of a continuous program of instructional and administrative improvement, the District shall provide a minimum of three days of professional development annually for certified employees. A day of professional development is defined as six hours of actual contact time. Professional development time may be divided into no less than two hour increments to facilitate delivery of professional development programs. By April 15 of each year, the District shall formulate a professional development plan that includes:

1. Goals and objectives appropriate to the professional development needs of teachers, school trustees, and all other school personnel;
2. Acceptable activities; and
3. Evaluation methods required for each activity in the plan.

The County Superintendent shall assist staff to develop and evaluate the plan. The committee shall include but not be limited to teachers, administrative personnel, and trustees. A majority of the committee shall be teachers. For independent, multi-grade elementary districts with supervising teachers, the County Superintendent may establish one committee to develop the plan for all of these schools in the county. The plan shall be on file with the County Superintendent or the Supervising Teacher. It shall be available to employees and the public.

**Release Time for Professional Development**

During the course of a year, there are often professionally-related activities such as conventions, committee meetings, workshops, seminars, institutes, visitations and other activities that are related to the education profession in a general sense. The Board of Trustees recognizes that the professional personnel of the District will occasionally want to attend these activities.

**Consultation by Certified Employees**

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

1. A professional staff member may use his/her personal leave days as per the Public Schools/contract.
2. Such an individual may use professional leave for consulting work if approved by the Board. In making its decision the Board will consider such factors as the total number of absences of the teacher for all purposes during the year; the professional value of the consulting services to be provided by the teachers; maintenance of program effectiveness in the teacher's absence; availability of competent substitutes; and arrangements for substitute pay (see No. 3 below).
3. The beneficiary of the staff member's consultation service will reimburse the District for the cost of the substitute's pay. These arrangements are the responsibility of the consulting professional and must be made with the business office.
4. Where a certified employee uses vacation days for consultation, they shall be the sole concern of the employee.

Legal Reference:       § 20-1-304, MCA                   Pupil-Instruction-Related Day  
                              10.55.714, ARM                   Professional Development

**Policy History:**

Adopted on: 2008-09

Revised on:

**Aides (Classroom, Library, Etc.)**

Aides are under the supervision of the Supervising Teacher or the Principal, and a teacher to whom the Supervising Teacher or Principal may have delegated responsibility for close direction. Also by job description, the nature of the work accomplished by aides will encompass a variety of tasks that may be inclusive of "limited instructional duties."

Section 20-3-324(2), MCA, gives the Trustees the power and duty to "employ and dismiss . . . teachers aides . . . and any other personnel considered necessary to carry out the various services of the district."

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

It is the responsibility of the Supervising Teacher to recommend to the Board adequate training for an aide. This training should take into account the unique situations in which an aide works, and should be designed to cover the general contingencies that might be expected to pertain to that situation.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Volunteers**

The Dayton Public School recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of "employee" under the appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering (e.g. a teacher cannot volunteer to teach although he/she could volunteer to type or file), as prescribed by the Federal Fair Labor Standards Act.

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

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

Volunteers who are formally acting on behalf of and are assisting in school projects shall be covered by the District's liability insurance. This does not alleviate a volunteer, as is the case with an employee, from exercising appropriate judgment and responsibility in the discharge of all duties in accordance with the policies of the Board of Trustees of the School District.

**Policy History:**

Adopted on: 2008-09

Revised on:

**Student Teachers/Interns**

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

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

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

- (1) A student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;
- (2) A supervising professional shall be assigned no more than one student teacher/intern per school year;
- (3) The supervising professional shall remain responsible for the class; and
- (4) The student teacher shall assume the same conditions of employment as a regular teacher with regards to meeting the health examination requirements, length of school day, staff meetings and in-service training.

Legal Reference: § 20-4-101(2,3), MCA System of Teacher and Specialist Certification

Policy History:

Adopted on: 2008-09

Revised on:

DUTIES OF THE JANITOR

The cleaning is to consist of three (3) thorough cleanings and daily cleaning during the school term.

The daily cleaning is to consist of:

1. bathrooms disinfected, in keeping with sanitation standards, utility sinks cleaned
2. keeping desks cleaned and sanitized, and cabinet tops, window sills, white boards, bookshelves, tables, chairs and piano dust free
3. sweeping, vacuuming and/or mopping all floors thoroughly
4. keeping walls and woodwork clean
5. classroom kitchenettes wiped down
6. main entrance door windows cleaned daily
7. kitchen and microwaves wiped down
8. light bulbs replaced, as needed

One thorough cleaning will be during the Christmas break, one in the spring, and then an end of the year cleaning.

The three (3) thorough cleanings will consist of:

1. cleaning windows, woodwork, floors, furnace ducts, books, and defrosting and cleaning refrigerator
2. buffing, stripping, waxing and shampooing of the floors
3. cleaning of light fixtures

The board of trustees wants the school to be clean and presentable at all times. The quality of work must meet the approval of the board of trustees. If two (2) letters of reprimand are issued and no improvement is seen, the janitor will be dismissed.

The janitor will provide the board of trustees with the names and addresses of any substitute they may use. Only two (2) substitutes may be on record at any given time.

It has been requested by school staff that, if possible, daily cleaning not begin before 5 p.m. due to time needed for phone work, etc. Also, there will be extracurricular activities that one must clean around (family night, board meetings, PTO meetings, and other community functions). The janitor will be provided with a school calendar each month detailing the scheduling of such events so that cleaning can be planned accordingly.



**Employee Electronic Mail and On-Line Services Usage**

Electronic mail ("e-mail") is defined as a communications tool whereby electronic messages are prepared, sent and retrieved on computers. On-line services (i.e., the Internet) are defined as a communications tool whereby information, reference material and messages are sent and retrieved electronically on computers.

Because of the unique nature of e-mail/Internet and because of the desire of Upper West Shore School District #33 to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees.

The School District e-mail and Internet system is intended to be used for educational purposes only; use for informal or personal purposes is permissible only within reasonable limits. All e-mail/Internet records are considered School District records and should be transmitted only to individuals who have a need to receive them. Additionally, district records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, employees should always ensure that the educational information contained in e-mail/Internet messages is accurate, appropriate and lawful. E-mail/Internet messages by employees may not necessarily reflect the views of the School District. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of the law or School District policies, will result in disciplinary action, up to and including termination of employment.

While the School District does not intend to regularly review employees' e-mail/Internet records, employees have no right or expectation of privacy in e-mail or the Internet. The School District owns the computer and software making up the e-mail and Internet system and permits employees to use them in the performance of their duties. E-mail messages and Internet records are to be treated with the expectation that anything in them is available for review by the Board.

**Network Acceptable Use Policy**

The District recognizes the need for its staff and students to have access to a global information network. Part of the District's responsibility in preparing students is to provide them access to the tools they will be using as adults. We believe that responsible use of this global information network is important.

Accordingly, the District shall operate an information network to enhance and expand its educational mission. The network is an information system owned by the District as well as other information systems to which the District provides intentional or unintentional access.

The District is not responsible for information available from third parties solely for providing access or connection to or from a facility, system or network over which it has no control. An orientation session on appropriate use of the Information Network shall be provided for each user prior to the issuance of a system account. The use of this system shall be consistent with the District's educational mission, district policy, state laws and federal laws.

**Internet Information Privacy (Required if the District has a Web site)**

Upper West Shore School District #33 will not collect personally identifiable information online from its Web site users unless the Web site:

1. Identifies who operates the Web site;
2. Provides the address and telephone number where the operator may be contacted as well as an electronic means of contacting the operator, and
3. Generally describes the operator's information practices, including how it protects the privacy of the user and the steps taken to protect the security of the collected information.

If the personally identifiable information may be used for a purpose other than the express purpose of the Web site or may be given or sold to a third party, then the Web site must include:

1. A clear notice to the user that the information collected could be used for purposes other than the purposes of the Web site;
2. A general description of the types of third parties that may obtain the information; and
3. A clear procedure requiring an affirmative expression of the user's permission before the information is collected.

Personally identifiable information is defined as including: a first and last name, a physical address, an e-mail address, a telephone number, social security number, or unique identifying information that an Internet service provider or a government Web site operator collects and combines with any other parts of the definition.

Legal Reference:           § 2-17-550, MCA           Government Internet Information Privacy  
                                  § 2-17-551, MCA  
                                  § 2-17-552, MCA  
                                  § 17-553, MCA

Policy History:  
Adopted on: 2008-09  
Revised on:

## **APPENDIX E**

### **Professional Educators of Montana Code of Ethics**

#### **Preamble**

The professional conduct of every educator affects attitudes toward the profession and toward education. Aware of the importance of maintaining the confidence of students, parents, colleagues and the public, Montana educators strive to sustain the highest degree of ethical conduct.

Montana educators value the worth and dignity of every person and the pursuit of truth, knowledge and excellence. While the freedom to learn and the freedom to teach are essential to education in a democracy, educators in Montana balance these freedoms with their own adherence to this ethical code.

#### **Members of the Profession of Education in Montana:**

- \* Make the well-being of students the fundamental value in all decisions and actions.
- \* Fulfill professional responsibilities with diligence and integrity.
- \* Protect the civil and human rights of students and colleagues.
- \* Know the policies, regulations, rules, and laws governing the professional conduct of educators.
- \* Pursue appropriate measures to change those policies, regulations, rules, and laws which are inconsistent with sound educational goals.
- \* Recognize parents and the public as integral parts of the school community, and encourage their involvement in education.
- \* Maintain professional standards and seek to improve the effectiveness of the profession.
- \* Exemplify and foster a philosophy of education which encourages a lifelong pursuit of learning.