

# Evergreen School District 2025-2026



## Staff Handbook

Our Mission: To enable students to become responsible citizens and lifelong learners by ensuring quality instruction in a nurturing environment

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## INTRODUCTION

Welcome to the Evergreen School District!

The material covered within this employee handbook is intended as a method of communicating to employees regarding general District information, rules, and regulations and is not intended to either enlarge or diminish any Board policy, administrative regulation, or negotiated agreement. Material contained herein may, therefore, be superseded by such Board policy, administrative regulation, negotiated agreement, or changes in state or federal law.

Any information contained in this employee handbook is subject to unilateral revision or elimination, from time to time, without notice, consultation, or publication, except as may be required by contractual agreements or law.

No information in this document shall be viewed as an offer, expressed or implied, or as a guarantee of any employment of any duration.

In this handbook, bolded policy codes indicate related Board policies. Please direct any questions to the Superintendent.

## NOTICE OF NON-DISCRIMINATION

The Evergreen School District does not discriminate on the basis of race, color, national origin, sex, or disability, in the educational programs and activities it operates including admission and employment. The District is required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, Section 504, and the Americans with Disabilities Act and their regulations to not discriminate against individuals in violation of these laws. The District also provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding complaints under Title IX (sex discrimination and sexual harassment) and all other non-discrimination policies:

The Evergreen School District #50 complies with all federal and state rules and regulations and does not discriminate on the basis of race, color, national origin, gender, disability or age. This holds true for all students who are interested in participating in educational programs and/or extracurricular school activities, such as designated youth groups. Inquiries regarding compliance and/or grievance procedures may be directed to the school district's Title IX officer and/or Section 504/ADA coordinator, Melissa Hardman [mhardman@evergreensd50.com](mailto:mhardman@evergreensd50.com), 18 W. Evergreen Drive, Kalispell, Montana 59901, (406) 751-1111. Inquiries may also be directed to the Assistant Secretary of the U.S. Department of Education.

# EVERGREEN SCHOOL DISTRICT LEARNER PROFILE



## ADAPT

BE RESILIENT

BE SOLUTION DRIVEN

## THRIVE

BE CONFIDENT

BE SELF DRIVEN

BE RESPONSIBLE

BE A CRITICAL THINKER

## CONTRIBUTE

BE RESPECTFUL

BE EMPATHETIC

BE COLLABORATIVE

BE COMMUNICATIVE



**EVER GIVING • EVER GROWING • EVERGREEN**

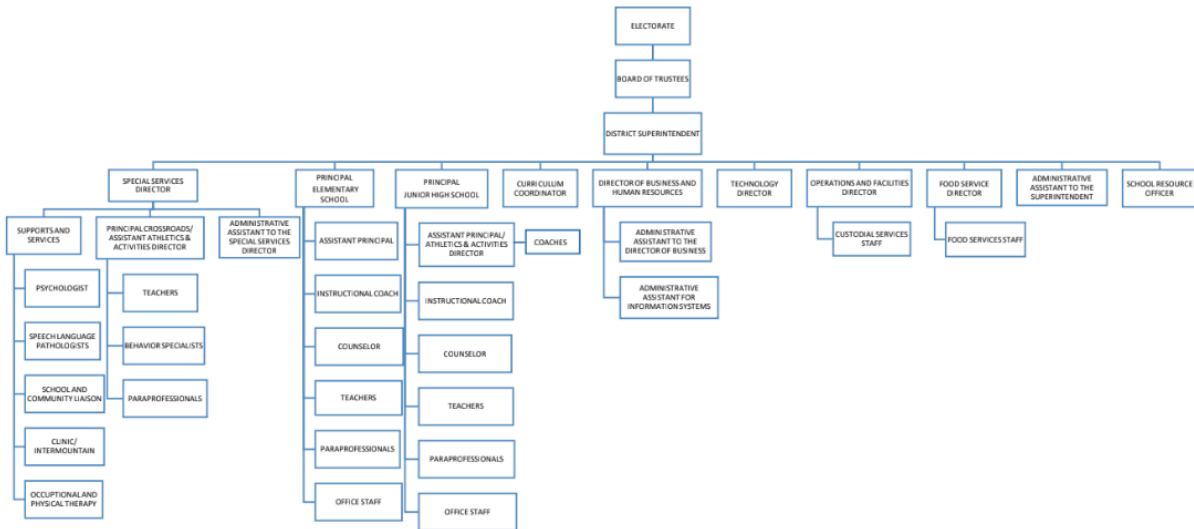
**OUR VISION** We are a District that equips students with skills, resources, and resiliency to adapt, thrive, and positively contribute to our rapidly changing world.

**OUR MISSION** To enable students to become responsible citizens and lifelong learners by ensuring quality instruction in a nurturing environment

**OUR GOALS** (1) To improve student achievement and learning (2) To improve systematic analysis and allocation of resources (3) To improve climate and culture

# Evergreen School District

## ORGANIZATIONAL FLOW CHART



## BOARD OF TRUSTEES 2025-2026

The Legislature of the State of Montana delegates to the Board responsibility for the conduct and governance of district schools. The Trustees for the 2025-2026 school year, as elected by residents of this district, are as follows:

Tamara Williams	Board Chair
Dave Lowitz	Board Vice Chair
Jim Waggener	Trustee
Paul Wigle	Trustee
Jon Wilson, Sr.	Trustee
Zach Bernheim	Trustee
Chris Goodwin	Trustee

## SCHOOL BOARD MEETINGS 2025-2026 (1400)

Regular School Board Meetings are generally scheduled for the second or third Wednesday of each month, or at other times and places determined by a majority vote. The meetings are held in the Boardroom of the District Administration Office. All School Board Meetings are open to the public. The 2025-2026 meetings are scheduled for the following dates:

Month	Board Meeting 2 <sup>nd</sup> Wednesday 5:30 p.m.*	Board Work Session 4 <sup>th</sup> Wednesday 7:00 a.m.*
July	No Meeting	No Meeting
August	13* (4:30 p.m.) (Budget Hearing)	No Meeting
September	10	17* (Retreat 5:30 p.m.)
October	8	22
November	12	19* (3 <sup>rd</sup> Wed.)
December	10	17* (3 <sup>rd</sup> Wed.)
January	14	28
February	18* (3 <sup>rd</sup> Wed.)	25 (Class Visits)
March	11	18* (3 <sup>rd</sup> Wed.)
April	8	15* (5:30 p.m. ACE Expo/Student-Led) 22 (7:00 a.m.)
May	13, 19* (8:00 a.m.)	27* (Retreat 4:30 p.m.)
June	10* (4:30 p.m.)	No Meeting

In the event a School Board Meeting must be rescheduled or a special meeting held, official notices will be posted in the school buildings for staff members' information.

## AUDIENCE PARTICIPATION (1441)

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. In order to permit fair and orderly expression of such comment, the Board will provide a period at the beginning of the meeting during which visitors may make comments, statements, and/or presentations. Such communications, when possible, are to be scheduled in advance with the Superintendent. To be placed on the agenda for action, interested parties must schedule with the Superintendent by noon Thursday, the week prior to a regular meeting, and at least two days prior to any special meeting.

The Board will also allow individuals to express an opinion prior to Board action on agenda items. Individuals wishing to be heard by the Board shall first be recognized by the Chairman. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. Whether during public comment or prior to an action item individuals may only comment once on the same topic. Any representative of a firm eligible to bid on materials or services solicited by the Board shall also be entitled to express an opinion. The Chairman may interrupt or terminate an individual's statement when it is too lengthy, personally directed, abusive, obscene or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting at the discretion of the Chairman.

## DISTRICT POLICY MANUAL (1310)

Copies of the District Policy Manual are found on the school website. **Please refer to the policy manual for additional information and/or clarification to information found in this handbook.**



**Evergreen School District Certified Staff 2025-2026 (66 total)**  
**Superintendent: Dr. Laurie Barron**

East Evergreen Elementary (34)	Evergreen Junior High (21)	Evergreen Special Services (1)
<b><u>Principal</u></b> Henry Mack  <b><u>Assistant Principal</u></b> Jesse McFarland  <b><u>Instructional Coach</u></b> Kathy Skinner Lauren Cullen (K-2 Literacy)  <b><u>School Counselor</u></b> Michelle Mitchell	<b><u>Principal</u></b> Jennifer Doss  <b><u>Assistant Principal</u></b> Jim Thompson  <b><u>Curriculum Coordinator/Instructional Coach</u></b> Lynda Boepple  <b><u>School Counselor</u></b> Lorien Cortez	<b><u>Special Services Director</u></b> Melissa Hardman
<b><u>Preschool</u></b> Stephanie Bilodeau  <b><u>Early Learners</u></b> Lisa Lake Debbie Wright  <b><u>Kindergarten</u></b> KA Carrie Starkey KB Sabrina Collins KC Rebekah Toth  <b><u>First Grade</u></b> 1A Aleesha Cowan 1B Craig Fickle 1C Melissa DeShaw 1D Britney Lavina  <b><u>Second Grade</u></b> 2A Tailer Kemper 2B Samantha Varner 2C Nikki Kaup  <b><u>Third Grade</u></b> 3A Eric Kron 3B Ava Daley 3C Cara Hingiss  <b><u>Fourth Grade</u></b> 4A Kaylee McCracken 4B Lisa Mitchell 4C Marie Corriveau  <b><u>Special Education K-4</u></b> Abby Barnett Lauryl Himsl Natalie Mayhew Vacancy  <b><u>Special Services</u></b> Psychologist Melissa Fahrney SLP Johanna Nolin SLP Stasia Plympton  <b><u>Health Enhancement/PE</u></b> Ethan Bailey  <b><u>Library</u></b> Teresa Makela  <b><u>Music</u></b> Rachel Bendon	<b><u>Fifth and Sixth Grades</u></b> Chris Peterson Jean Crofts Veronica McAchran Kari Skelton  <b><u>Seventh and Eighth Grades</u></b> Alex Aiken Vic Dalla Betta Jennifer Corbett Pam Doty Kara Gronley  <b><u>Special Education 5-8</u></b> Yvette Jordan Johnny Peña Kenny Ross Vacancy  <b><u>Health Enhancement/PE</u></b> Ross Darner Shawn Peltier  <b><u>Library</u></b> Cynthia Thorsen  <b><u>Music</u></b> Kurt Weber	<div data-bbox="1040 531 1518 569" data-label="Section-Header"> <p style="text-align: center;"><b>Crossroads (9)</b></p> </div> <b><u>Principal</u></b> Sherry Odegard  <b><u>Behavior Specialists</u></b> Dan Anderson Colton Hackley Cliff Thorsen  <b><u>Teachers</u></b> K-2 Ashley Neumiller 3-4 Vacancy 4-6 Brooke Weaver 4-6 Alex Myers 7-8 Brandan Barnett

**Evergreen School District Classified Staff 2025-2026 (56 Total)**

East Evergreen Elementary (20)	Evergreen Junior High (9)	Evergreen District Services (21)
<p><b><u>Secretaries</u></b> Jessica Bauer Roni Corpron</p> <p><b><u>Paraprofessionals</u></b> Tiffany Floden Jolene Mahoney Kaleena McNeil Darlene Nunn Alyssa Olson Tracy Park Jillian Roos Aubray Ryce-Martinez Terri Street Katie Van Kempen Constance Wolfe Krissy Yorba Kurt Wambaugh</p> <p><b><u>Family and Community Engagement Liaison</u></b> Shannon Black</p>	<p><b><u>Secretaries</u></b> Sandi Patera Melissa Hendrix</p> <p><b><u>Paraprofessionals</u></b> Jay Aiken Hillery Eastman Rania Hammergren Megan Hoskin Rob Treat</p> <p><b><u>CONTRACTED SERVICES</u></b></p> <p><b><u>Greater Valley Health</u></b> Vacancy, SBOT Therapist</p> <p><b><u>School Resource Officer</u></b> Nicole Coblentz</p>	<p><b><u>Admin. Asst. to the Superintendent</u></b> Gina Bilyeu</p> <p><b><u>Admin. Asst. to the Special Services Director</u></b> Pam Renfro</p> <p><b><u>Director of Business and Human Resources/Clerk</u></b> Samantha Vastbinder</p> <p><b><u>Admin. Asst. to the Director of Business</u></b> Hunter Vastbinder</p> <p><b><u>Admin. Asst. for Information Systems</u></b> Lisa Mey</p> <p><b><u>Technology Director</u></b> Chris Swadener</p> <p><b><u>Operations and Facilities Director</u></b> Jerick Graves</p> <p><b><u>Maintenance &amp; Custodial Services EAST</u></b> Paul Amundson, Operating Engineer Dianne Parks, Head Operating Engineer</p>
<p><b><u>CONTRACTED SERVICES</u></b></p> <p><b><u>Greater Valley Health</u></b> Marsha Solak, SBOT Therapist</p> <p><b><u>Special Services</u></b> OT Cassidy Norick PT Sarah Olsen PT Samantha Modderman</p>	<p><b><u>Crossroads (6)</u></b></p> <p><b><u>Paraprofessionals</u></b> Amy Boyce Amy Probert Jeanne Karlstad JoDee Quay Brenda West</p> <p><b><u>CONTRACTED SERVICES</u></b></p> <p><b><u>Greater Valley Health</u></b> Tazia Wisdom, SBOT Therapist</p>	<p><b><u>JUNIOR HIGH/CROSSROADS/ADMIN</u></b> Brayden Green, Operating Engineer Ryan LeDuc, Head Operating Engineer Edward Heckel, Part Time Operating Engineer</p> <p><b><u>Food Services Director</u></b> Joan Jepsen</p> <p><b><u>Food Services</u></b> Gayle Braun Alicia Coursey Robin Frehse Lori Kaufmann Denise Knaff Connie Langton Anna McCoy</p> <p><b><u>Crossing Guard</u></b> Chrystal Shue</p>

# EVERGREEN SCHOOL DISTRICT NO. 50

## 2025-2026 CALENDAR

**\*Approved 3-18-25\***

### Evergreen School District 2025-2026 School Calendar

#### August

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

#### November

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

#### February

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

#### May

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

#### September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

#### December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

#### March

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

#### June

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

#### October

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

#### January

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

#### April

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

	PIR	PI	TOTAL
Aug	2	3	5
Sept	0	21	21
Oct	3	20	23
Nov	2	16	18
Dec	0	15	15
Jan	1	19	20
Feb	1	18	19
Mar	0	17	17
Apr	0	21	21
May	0	20	20
Jun	0	8	8
	9	178	187

	New Teacher Orientation
	PIR - No School for Students
	First Day of School K-8th
	First Day of School Preschool and Early Literacy
	Last Day of School
	School Closed/Holiday
	Open House
	End of Quarter
	PTC - No School for Students
	PTC/Full Attendance for Students
	Early Release-East/Crossroads 1:00/JH 1:15

#### SCHOOL HOURS

Early Literacy/Kindergarten	8:25 - 2:55
Grades 1-2	8:25 - 3:00
Grades 3	8:25 - 3:05
Grade 4	8:10 - 3:05
Grades 5-8	8:15 - 3:15
Crossroads K-8	8:15 - 3:00

#### NOTE:

In lieu of any needed make up days, a remote school day may occur when school would otherwise be cancelled due to inclement weather or any other school closure.

Aug 21,22	New Teacher Orientation
Aug 25,26	PIR Days - No School
Aug 26	Student Experience Day (Preschool-8th Grade)
Aug 27	First Day of School (Kindergarten-8th Grade) - Full Day No Early Release
Aug 27	Student Experience Day (Preschool and Early Literacy)
Aug 28	First Day of School (Preschool and Early Literacy)
Sep 1	Labor Day Holiday - No School
Sep 3,10,17,24	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Sep 16	Junior High Open House - 6:30 pm
Sep 17	Crossroads Open House - 6:30 pm
Sep 18	East Open House - 6:30 pm
Oct 8	Interagency Child Find 8:30 - 11:30 am
Oct 1,8,15,22,29	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Oct 16,17	Optional PIR - No School (Statewide Professional Learning)
Oct 30	End of 1st Quarter (44 days)
Oct 31	PIR Day - No School
Nov 5,12,19,25	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Nov 5	Parent/Teacher Conferences - 4-7pm - Regular Student Attendance Day
Nov 6	Parent/Teacher Conferences - 8:30-11:30 am, 12-4 pm, 5-7 pm - No School
Nov 25	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Nov 26 - 28	Thanksgiving Break - No School
Dec 3,10,17	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Dec 22 - Jan 2	Christmas Break - No School
Jan 7,14,21,28	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Jan 19	PIR Day - Martin Luther King, Jr. Day Observance - No School
Jan 23	End of 2nd Quarter (45 days)
Feb 4	Parent/Teacher Conferences - 12-4 pm, 5-7 pm - No School
Feb 11,18,25	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Feb 16	President's Day Observance - No School
Mar 4,11,18	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Mar 23 - 27	Spring Break - No School
Apr 1,8,15,22,29	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
Apr 6	End of 3rd Quarter (44 Days)
Apr 16	Early Literacy/Kindergarten Roundup and Child Find 1-7 pm
Apr 24	No School
May 6,13,20,27	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
May 25	Memorial Day Observance - No School
June 3	Early Release - East and Crossroads 1:00 pm, Junior High 1:15 pm
June 10	Last Day of School/Early Release - East and Crossroads 1:00 pm, JH 1:15 pm
	End of 4th Quarter (45 days)

# GENERAL TERMS OF EMPLOYMENT

## EQUAL OPPORTUNITY EMPLOYMENT

The Board is an Equal Opportunity Employer. The District does not discriminate on the basis of race, creed, religion, color, national origin, age, physical or mental disability, marital status, genetic information, sex, or veteran status, as required by law. "Sex" includes sexual orientation and gender identity and expression. The District is 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 to not discriminate against individuals in violation of these laws. Reasonable accommodation for individuals with disabilities will be made as required by law.

If considerations of sex, age or disability have a bona fide relationship to the unique requirements of a particular job or if there are federal or state legal requirements that apply, then sex, age or disability may be taken into account as a bona fide occupational qualification, provided such consideration is consistent with governing law.

If you have questions concerning District compliance with state and federal equal opportunity employment laws, including but not limited to Title IX, contact the District's Non-Discrimination Coordinator & Title IX Coordinator Melissa Hardman [[mhardman@evergreensd50.com](mailto:mhardman@evergreensd50.com)]/(406) 751-1111]. For additional information, please see Policy 5010. Inquiries may also be directed to the Assistant Secretary for the U.S. Department of Education.

## HIRING

All personnel are required to sign a written contract with the District. For further information on hiring, refer to Policy 5120. All employees shall be required to provide verification of their legal ability to work in the United States upon hire and as required by law.

## JOB RESPONSIBILITIES

Classified job descriptions are available on Google Drive. Immediate supervisors may assign other duties as needed. Employees should ask their supervisor if they have questions regarding their assigned duties and/or responsibilities. For additional information, please refer to Policy 5210.

## CRIMINAL BACKGROUND CHECKS

Any individual, in any capacity on behalf of the District, who will have unsupervised contact with a student in school, at a school sponsored activity, or in transit to an activity, shall submit to a criminal background investigation conducted by the appropriate law enforcement agency before such contact. Any offer of employment or appointment will be contingent on results of the criminal background check. This policy shall also be applied to an employee of a person or firm holding a contract with the District, if the employee is working on school property, 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 Superintendent, 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 Superintendent shall keep all criminal record information confidential as required by law. For additional information, please see Policy 5122.

## EMPLOYMENT REQUIREMENTS

All employees of Evergreen School District No. 50 must provide the following online information to the District Clerk's office before any payment of wages can be processed.

Employment Eligibility Verification Form (I-9). This is a Federal requirement to verify citizenship. Proof of citizenship is required.

1. State/Federal Withholding Certificate (W-4). Must be completed by all employees.
2. A physical examination/Statement of Good Health may be required depending on job description.\*
3. Classified/Non-Instructional Staff must belong to the Public Employees Retirement System if they work 960 hours in any fiscal year.\*\* (MCA 19-30-401).
4. Classified/Instructional Staff must belong to the Teachers Retirement System as per MCA 19-4-302 specifications.\*\*  
\* The District will cover all medical costs related to required health information, provided arrangements are made with the Administrative Office PRIOR to an appointment with a physician.

\*\*See the District Clerk for current contribution rates and necessary enrollment applications for each retirement system.

## SALARIES AND PAYROLL DISTRIBUTION

Checks are issued according to a schedule approved annually by the Board. Salaries for certified personnel are based on a salary schedule providing for 187 days of employment. Determination of and changes to certified employees' rank and experience are determined in compliance with the Master Agreement. Classified personnel may be paid on an hourly or salary basis, as determined by the Board.

## Outside Employment or Activities

Employees may not perform any duties related to an outside job during their regular working hours.

## EVALUATIONS

Each non-administrative staff member's job performance will be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled 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 any master contract or pursuant to Policy 5222.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide an 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 superintendent. Staff members may have up to 10 working days to submit a rebuttal to the evaluation for inclusion in the file. Failure to sign an evaluation form noting receipt may subject the employee to discipline. For more information regarding evaluation of non-administrative staff, please refer to Policy 5222. Employees have a right to access the evaluation instrument and a right to respond in writing to the completed evaluation.

## CONFIDENTIALITY

In certain circumstances employees may receive confidential information regarding students' or employees' medical, discipline, or court records. Employees are required to keep student and personnel information in the strictest confidence and are legally prohibited from passing confidential information along to any unauthorized individual. If employees have any questions about access to confidential information, they should speak to their supervisor.

An official personnel file is established for each person employed by the district. A staff member's personnel file may contain such information as applications for employment, references, records relative to compensation, payroll deductions, evaluations, complaints, and written disciplinary actions. All records containing medical-condition information, such as workers' compensation reports and release/permission to return to work forms, will be kept confidential, in a separate file from personnel records.

All personnel records are considered confidential and not open to public inspection.

Please refer to Policies 5231 and 5510 for additional information.

## DISTRICT STAFF DIRECTORY

A District Staff Directory complete with names, addresses and telephone numbers will be published separately for distribution among School District employees and School Board members only. Information for this directory will be requested shortly after the school term is underway.

Employees are required to annually update their contact information, including phone number and physical address, at the beginning of each school year. If an employee's contact information changes at any time after the beginning of the school year, the employee is required to update his/her contact information to the current information. Contact the Office of the Superintendent to update contact information.

## PLEDGE OF ALLEGIANCE

The Montana State Legislature requires the recitation of the Pledge of Allegiance at the beginning of the first class each school day for students in Grades K through 12. The recitation must be conducted by each individual classroom teacher or the teacher's surrogate or over the school intercom system by a faculty member or person designated by the principal.

A school district shall inform all students and teachers of their right to not participate in recitation of the pledge. Any student or teacher who, for any reason, objects to participating in the pledge exercise must be excused from participation. A student or teacher who declines to participate in the pledge may engage in any alternative form of conduct so long as that conduct does not materially or substantially disrupt the work or discipline of the school.

There will be no disciplinary action taken against a student who refuses to recite the Pledge provided the refusal is communicated in an appropriate manner.

## WEAPONS (3310)

Weapons (as defined in District policy 3310) are not allowed in any setting that is under the control and supervision of the school district. Individuals who violate this policy will be referred to law enforcement for possible prosecution. Employees must contact the Superintendent to be placed on the Board agenda before such an exception can be considered. The Board has sole discretion to approve or deny such requests. The Board grants the District Superintendent the discretion to allow an individual(s) to possess or carry weapons/firearms for educational presentations only under conditions outlined by the school administration.

## FRAUD, ABUSE, AND WASTE

Any concerns of fraudulent activity, abuse, misuse, or code of ethics violation should adhere to all relevant laws and regulations and should be reported immediately to an administrator. Any person who wishes to file a complaint concerning federal programs should submit a written document to the director of the program.

## CODE OF ETHICS

### *Principle I. Commitment to Students and Families. The ethical educator:*

- A. Makes the well-being of students the foundation of all decisions and actions
- B. Promotes a spirit of inquiry, creativity, and high expectations.
- C. Assures just and equitable treatment of every student.
- D. Protects students when their learning or wellbeing is threatened by the unsafe, incompetent, unethical, or illegal practice of any person.
- E. Keeps information confidential that has been obtained in the course of professional service, unless disclosure serves a compelling purpose in the best interest of students, or is required by law.
- F. Respects the roles, responsibilities and rights of students, parents and guardians.
- G. Maintains appropriate educator-student relationship boundaries in all respects, including speech, print, and digital communications.

### *Principle II. Commitment to the Profession. The ethical educator:*

- A. Fulfills professional obligations with diligence and integrity.
- B. Demonstrates continued professional growth, collaboration and accountability.
- C. Respects the roles, responsibilities, and rights of colleagues, support personnel, and supervisors.
- D. Contributes to the development of the profession's body of knowledge.
- E. Manages information, including data, with honesty.
- F. Teaches without distortion, bias, or prejudice.
- G. Represents professional qualifications accurately.

### *Principle III. Commitment to the Community. The ethical educator:*

- A. Models the principles of citizenship in a democratic society.
- B. Understands and respects diversity.
- C. Protects the civil and human rights of students and colleagues.
- D. Assumes responsibility for personal actions.
- E. Demonstrates good stewardship of public resources.
- F. Exemplifies a positive, active role in school-community relations.
- G. Adheres to the terms of contracts, district policies and procedures, and relevant statutes and regulations.

## PERSONNEL RECORDS

The District maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office. Employees and their designees will be given supervised access to their personnel records in the administrative office. Copies may be given to employees and their designees, but under no circumstances may the original file leave the administrative office. In addition to the superintendent or other designees, the Board may grant a member of the Board access to cumulative personnel files. Counsel retained by the Board will also have access to a cumulative personnel file if necessary. Personnel records will be maintained for 10 years after the employee has left the District's employment.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless the employee has had the opportunity to review 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.

### Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee's work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

For the latter purpose, the superintendent shall take reasonable steps to obtain the employee's initials or signature verifying the employee has received a copy of the material. If the employee refuses to sign the document indicating they have had an opportunity to read it, the superintendent will place an addendum to the document, noting that the employee was given a copy but refused to sign. The superintendent will date and sign the addendum.

### Disposition of Personnel Files

An employee, upon termination, may request transcripts of college and university work. Any confidential college or university placement papers shall be returned to the sender or destroyed at the time of employment. All other documents shall be retained and safeguarded by the District for such periods as prescribed by law.

### Record-Keeping Requirements Under the Fair Labor Standards Act

- 1. Records required for ALL employees:
  - a. Name in full (same name as used for Social Security);
  - b. Employee's home address, including zip code;
  - c. Date of birth if under the age of nineteen (19);

- d. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
  - e. Time of day and day of week on which the employee's workweek begins;
  - f. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
  - g. Any payment made which is not counted as part of the "regular rate";
  - h. Total wages paid each pay period.
2. Additional records required for non-exempt employees:
- a. Regular hourly rate of pay during any week when overtime is worked;
  - b. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
  - c. Hours worked in any workweek (or work period in case of 207[k]);
  - d. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
  - e. Total overtime premium pay for a workweek;
  - f. Date of payment and the pay period covered;
  - g. Total deductions from or additions to wages each pay period;
  - h. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
  - i. Number of hours of compensatory time earned each pay period;
  - j. Number of hours of compensatory time used each pay period;
  - k. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
  - l. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

All records obtained in the application and hiring process shall be maintained for at least two (2) years.

#### FLEXIBLE SPENDING PROGRAM (5331)

All personnel are eligible to participate in the Flexible Spending Program at the employee's expense. The plan is fully managed by a plan administrator chosen by the Board of Trustees. Payroll deductions will be made by the District to the plan on the following basis:

1. Ten (10) monthly contributions for Certified Staff (Sept. - June)
2. Nine (9) monthly contributions for Classified Staff (Oct. - June)

All plan information and monthly contributions by classification are provided to the employee and the District by the Flex Plan Administrator.

#### TRANSFER (5210)

The Board of Trustees supports the concept of employee transfer within the system when such transfer can be shown to be in the best interest of the District. Requests for transfer may originate with the employee, supervisor, or building principal. Requests shall be submitted to the District Superintendent for consideration.

#### REQUEST FOR TRANSFER (5210)

Requests for transfer shall be submitted to the Superintendent through the building principal or supervisor as appropriate. All requests must specify the position for which the transfer is requested. The request must be in writing and shall state the reasons for the requested transfer. Pertinent information relative to qualifications for the position shall be provided by those persons for whom transfers are requested at such time as the requests are forwarded to the Superintendent. The superintendent may interview those persons requesting transfer or being requested for transfer. Notification of action on transfer shall be made through the appropriate principal or supervisor. Where transfer requests are denied, such notification shall contain the reason(s) therefore.

#### STAFF BUS DRIVERS

Staff members are encouraged to be certified bus drivers as a matter of convenience for them and to the School District. We understand and appreciate the need for our staff to be paid at the same rate as the drivers we hire. That rate is the same as that adopted by the Trustees for Activity Bus Drivers. No payment is made for non-driving time since staff are already paid for teaching, coaching, and supervision. Payment will be made for driving responsibilities. Payment will be processed after your completion of a District voucher following the field trip or athletic session.

#### CROWDFUNDING PROPOSALS

All crowd funding requests and receivables are governed and supervised by board policy. Crowd funding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. Proposals, products, and resources generated through crowd funding must receive prior approval from the Superintendent or designee. (see Administrative Procedure Handbook for complete details.)

#### REIMBURSEMENT FOR EXPENSES (7336)

It shall be the policy of the Evergreen School District to reimburse employees for certain expenses incurred by them in the performance of official duties as required and/or authorized by the Board or Superintendent, as appropriate, and in compliance with the laws of Montana.

Claims for reimbursement may be submitted for any legitimate and/or legally incurred expense, however, primarily for transportation costs, food, lodging and related registration fees.

The superintendent shall be responsible for developing and disseminating the necessary procedural information for reimbursement to District personnel. The following criteria shall be used.

1. Travel Allowance

When traveling outside of the School District on School District business, the mode of transportation (personal vehicle, rental vehicle, air travel, etc.) shall be determined in advance by the district superintendent.

The purpose, length and duration of the trip, along with the overall financial impact on the District, shall be considered when determining the most appropriate means of transportation. Rental vehicles or public transportation shall be made available, at no cost to the individual, when it is determined that such means of transportation is most appropriate.

When an individual uses his/her personal vehicle for school business, their insurance carrier is primary in the event of an accident. In addition, the District will not be responsible for insurance deductibles in these instances.

Failure to discuss the mode of transportation with the district superintendent prior to departure will reduce personal reimbursement for travel expenses to an amount equal to the most economical alternative that was available.

Related issues:

- A. Reimbursement for air travel will be at coach, economy, or excursion rate. Copies of airline tickets must be submitted with the claim.
- B. Claims for mileage when using personal vehicles will be reimbursed, when approved, at current State levels pursuant to Montana Law.
- C. Any rental vehicle over and above mid-size requires prior approval.
- D. In-state lodging rates at or exceeding \$100/night (including tax) requires prior approval.

2. Lodging

Lodging costs shall be reimbursed in full except that the Board maintains the right to reject those claims which reflect a rate exceeding prevailing rates for routine accommodations in the lodging area. Lodging receipts are required to be attached to expense claims when submitted for reimbursement.

3. Meals

When traveling or staying out-of-district, the District will allow a maximum of \$58 per day per employee for meals. This will include a maximum of \$14 for the morning meal, \$18 for the midday meal, and \$26 for the evening meal. On actual travel days, to be eligible for the morning meal allowance, the employee(s) must find it necessary to leave home prior to 6:30 am. On actual travel days, to be eligible for the evening meal allowance, the employee (s) must, as a result of routine travel, arrive home after 6:00 pm. Receipts will be required for any reimbursement. Advances will not be given on meal costs. Original itemized receipts for meals must be attached to the expense claim. Employees shall not be reimbursed for the purchase of alcoholic beverages. If attending an event that provides any of the meals above, the employee will not be eligible for reimbursement for those meals that are provided.

If the event you are attending or the hotel that you are staying provides breakfast, lunch, and/or dinner, you may not choose to purchase a different meal to submit for reimbursement.

### EMPLOYEE TRAVEL ON SCHOOL RELATED BUSINESS

The Board realizes there may be times when an employee wishes to take one or more family members or acquaintances with them when traveling or attending training sessions for school district business. While the Trustees do not have the authority to deny an employee the right to take family members or acquaintances with them if using their personal vehicle, the Trustees have developed procedures which must be adhered to when traveling on school related business.

The following procedure will be used when traveling for school district business:

1. The employee will not be allowed to take any family member or acquaintances with them while traveling on school district business in a school district vehicle or in a rental vehicle being paid for by the District.
  2. The employee must receive prior permission from the superintendent to use a personal vehicle for district business.
  3. When an employee uses his/her personal vehicle for school business, the employee's insurance carrier is primary in the event of an accident. The employee must fill out, and return to the superintendent, a release form relieving the District of any liability occurring from any accident, injury, damage or theft.
  4. The employee must present proof of liability insurance, to the superintendent, prior to leaving on any District business in which they are using their personal vehicle.
  5. Travel allowance reimbursement will be in accordance with District policy on Reimbursement for Expenses.
- The superintendent or designee will be responsible for developing the Release of Liability form.

### RETIREMENT

A certificate of appreciation shall be awarded to each retiring staff member from the Board of Trustees in recognition of their years of service.



## HEALTH INSURANCE FOR RETIREES

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires the District's group health plan to offer continued health insurance coverage for a period 18 months to former employees who terminated their employment due to retirement. COBRA participants are required to pay the full premium for the level of coverage selected and must elect coverage within 60 days starting on the latter of the date you are furnished the election notice or the date your previous health insurance coverage as an active employee terminated.

## LEAVE WITHOUT PAY (5321) (see form in Administrative Procedures)

The Board recognizes the critical role all District employees play in the education of students. Absenteeism, regardless of the reason, has consequences on the educational process. For this reason, leave without pay is discouraged.

Leave without pay is not considered an earned benefit with approval being automatically granted upon request. Leave without pay can only be requested if it is not specifically prohibited by the individual job description. It can only be considered after the employee has utilized all other available leave time that applies to the scenario under consideration. All personal leave must be utilized before leave without pay will be considered.

The superintendent shall have the authority to approve up to five days of leave without pay per school year, per individual employee, for situations one and two below and up to three days for situation number three:

1. Illness of the employee or an immediate family member (a doctor's written explanation may be required). Immediate family shall be defined as the employee's spouse, child, father, or mother. Note - If the employee is eligible for Family Medical Leave, that law will apply to any leave request.
2. The death of an immediate family member.
3. Unusual or emergency situations for reasons not covered above. Leave that falls under this category will involve no expense to the District (the employee pays for the cost of any substitute) and will not be approved for vacation purposes. Note - Leave without pay under this scenario will not be considered during the first or last ten pupil instruction days of the school year for employees responsible for the direct instruction of students (teachers and instructional aides).

Whenever possible, the employee shall personally request the leave by meeting with the superintendent prior to taking the leave clearly stating the reason(s) for the request. In emergency situations, where prior notice is not possible, it will be the employee's responsibility to personally notify the superintendent of the situation as soon as reasonably possible (leave without pay requests which are not submitted in a timely manner will be denied). The superintendent retains the right to deny any request subject to Board appeal. Leave without pay requests for reasons other than those stipulated above will not be considered.

Any request for leave without pay involving more time than stipulated above, in a given school year, shall require Board approval. The employee will be expected to personally appear before the Board to make the request. Board approval may be contingent upon the employee agreeing to certain conditions and the individual's employment history.

It shall be the employee's responsibility to monitor leave time and be aware of his/her leave status.

Failure to comply with procedures outlined in this policy shall result in disciplinary action. This may include a payroll deduction equal to what it would have cost to bring in a substitute and/or other action up to and including termination.

Provisions of this policy are not intended to, in any way, deny employee benefits required under State and/or Federal legislation, i.e. The Family Medical Leave Act.

## STAFF MEMBERS' CHILDREN AT WORK SITE

Staff members' children are not to be at the work site when staff members are working except with the permission of the building/departments supervisor.

## PERSONAL SHIPMENTS TO DISTRICT ADDRESS

It is not the desire of the District that staff members have personal items shipped to the School District address. But in the event that it is necessary to have a shipment sent to the District address, the building secretary will give directions regarding the use of a parcel delivery notice.

## BREASTFEEDING IN THE WORKPLACE (5325)

Recognizing that breastfeeding is a normal part of daily life for mothers and infants, and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District will support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee's child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employees' needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee's breast milk. The available space will include the provision for lighting and electricity for the pump apparatus and access to a place to store expressed breast milk safely. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

### STAFF ATTIRE GUIDELINES

Staff attire should identify you as an adult in a professional setting. Professional attire applies to pupil instruction days, parent teacher conference days, and professional events off campus such as field trips, workshops, and training sessions.

Professional Attire (includes but is not limited to):

- Clean and neat clothing that is not frayed or wrinkled and does not have holes or the appearance of excessive wear
- Clothing that is modest and not revealing (including undergarments) and that is of appropriate length (for dress shorts and skirts)

Unprofessional Attire (includes but is not limited to):

- Blue jeans (note: appropriate clothing in this category may be worn by staff completing physical duties such as custodians, hot lunch staff, etc.)
- Tank tops or spaghetti straps (should also not be visible through a sheer top)
- Casual flip-flops
- Excessively form fitting leggings, tights, or pants without a shirt or skirt of the same appropriate length as acceptable shorts
- Athletic and casual logo t-shirts (including Evergreen t-shirts and sweatshirts)
- Warm-ups, sweatshirts, sweatpants, exercise, or athletic clothing (note: appropriate clothing in this category may be worn by staff completing physical duties such as physical education teachers, custodians, hot lunch staff, etc.)

Friday Attire

- On Fridays only (not any other day, even if it's the last day of the school week), staff may follow guidelines above, or staff may wear Evergreen Wolverine attire with blue jeans!
  - o Evergreen Wolverine clothing must be clearly visible. (For example, be sure your Evergreen Wolverines shirt is not covered up by a sweatshirt or jacket so that you cannot see your spiritwear.)
  - o Blue jeans should be professional, clean, and neat and not be frayed or wrinkled and not have any holes (intended or not) or the appearance of excessive wear.
- If not wearing Evergreen Wolverine attire, professional attire is still expected. Staff may wear neat, yet more casual, t-shirts or sweatshirts that support education, partner high schools, or collegiate and professional teams.

Special Activities or Events

- Professional attire is still expected. Staff may ask for approval from their supervisor for exceptions that relate to a specific class or activity.

### PARTICIPATION IN POLITICAL ACTIVITIES

District employees may exercise their right to participate fully in affairs of public interest on a local, county, state, and national level on the same basis as any citizen in public or private employment and within the law. Employees may, within the limitations imposed by state and federal laws and regulations, choose any side of a particular issue and support their viewpoints as they desire, by vote, discussion, or persuading others. Such discussion and persuasion, however, may not be carried on during the performance of district duties.

### PARTICIPATION IN RELIGIOUS ACTIVITIES

Employees may not encourage, discourage, persuade, dissuade, sponsor, participate in, or discriminate against a religious activity or an activity because of its religious content while in the course of performing official duties of that employee's position(s) with the District.

### TOBACCO, ALCOHOL AND DRUG FREE WORKPLACE (5226)

All District workplaces are tobacco, marijuana, drug, and alcohol free workplaces. Marijuana products are products that contain marijuana for use by a consumer and include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping. Employees must not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to obtain in the workplace or in the performance of duties, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana (including medical marijuana) or any other controlled substance.

All employees are prohibited from:

1. 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.
2. 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 which is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;

3. Legally obtainable, but has not been legally obtained; or
4. Referenced in federal or state controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the District policy respecting a drug and alcohol free workplaces; and
2. 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.
3. Advise their supervisor if they are taking a legal prescription drug or other controlled substance (including medical marijuana) that may have adverse effects on their ability to perform their job safely and efficiently.

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

1. Provide each employee with a copy of the District Drug and Alcohol Free Workplace policy;
2. Post notice of the District Drug and Alcohol Free Workplace policy in a place where other information for employees is posted;
3. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees; and
4. Inform employees of available drug and alcohol counseling, rehabilitation, reentry and any employee assistance programs.

An employee may use a tobacco product, vapor product, alternative nicotine product, or marijuana product in a classroom or otherwise on District school property as part of a lecture, demonstration, or educational forum concerning the risks of such product with prior notice and approval of the building administrator.

#### DISTRICT ACTION UPON VIOLATION OF POLICY

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

The School Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (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, the Superintendent shall notify the appropriate state or federal agency from which the District receives contract or grant monies of the employee's conviction within ten (10) days after receiving notice of the conviction.

#### TOBACCO FREE SCHOOLS (8225)

The District maintains tobacco free buildings and grounds, as required by Montana law. Tobacco includes, but is not limited to, vapor products, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, alternative nicotine products or any other tobacco or nicotine innovation. Use of tobacco will not be allowed in any District school district buildings, grounds or vehicles, or while on duty during District-sponsored events. However, nothing prohibits an employee from using a smoking cessation product on district property. An employee may demonstrate use of a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on District school property as part of a lecture, demonstration, or educational forum concerning the risks of such product with prior notice and approval of the building administrator.

#### KEYS

Necessary keys are furnished for your use. In the interest of security, keys are not to be loaned to students or unauthorized adults. In the event your keys are lost or stolen, please notify the building principal immediately. Circumstances may require the entire building to be re-keyed. At the end of each school year, each staff member will check in his or her building keys at the respective school office and check them back out at the beginning of the new school year. If need be, you can have the office verify your keys at the end of the school year and then immediately check them back out, if you require to have access to the building during the summer. Admin building personnel will check keys in and out with the superintendent's administrative assistant.

#### HANDLING OF MONEY

All money collected from students by staff members shall be properly accounted for and turned in to the office at the earliest possible time. All money shall be receipted by the office secretary with the original sent to the teacher and the duplicate filed in the appropriate office. **Money and checks are not to be sent through internal mail.**

#### USE OF PERSONAL VEHICLES FOR SCHOOL BUSINESS (7336)

District employees may drive their personal vehicles for school business, upon receiving permission from the district superintendent, under the provisions of District Policy 7336 (see Reimbursement for Expenses). Because this is a choice on the part of the employee, the vehicle's owner assumes risk when using a personal vehicle for school business. Because the District does not own that car, the owner's insurance will always be primary. In the event of an accident, the District will not be responsible for insurance deductibles. Personal injury claims to District employees would be covered through Workman's Compensation.

When driving a personal car, employees will be reimbursed at the current state mileage rate (point to point per MDOT state highway map). However, to receive mileage reimbursement, the travel must have been authorized in advance by the district superintendent or his/her designee. Requests for mileage reimbursement will be weighed against the cost of alternative modes of transportation, i.e. rental car, plane, etc. (again, see Reimbursement for Expenses).

All District personnel traveling out of the School District on school business can request a rental car. At the time of rental, the physical damage insurance offered through the rental agency must be purchased.

Expenses related to rental cars will be paid by the District in lieu of individual mileage. District administrators are allowed to transport students in their personal vehicles. The District prohibits other employees from transporting students in their personal vehicles short of an extreme emergency. Should that be the case, every effort should be made to notify the superintendent's office in advance. When transporting non-employee adults or students in personal vehicles, the employee must carry coverage as required by the state of Montana with a certificate of such coverage on file in the superintendent's office.

#### STAFF USE OF SCHOOL EQUIPMENT AND FACILITIES

The use of school equipment must be approved by an administrator and the maintenance director. Prior to approval, the supervisor responsible for the equipment must approve the use. Employees must complete an Equipment and Technology Loan Agreement, assuming responsibility for all equipment on loan.

Staff members and their guests may use district facilities (on a single use basis) if they are not scheduled to be in use. The staff member must be present at all times and is responsible for all damages, clean up, and ensuring the building is secured. The District is not liable for injuries to staff or their guests.

#### HUMAN SEXUALITY INSTRUCTION ABSENCE

A student may be absent from a class period, assembly, school function, or other instruction at the request of a parent/guardian/other person responsible for care when the subject matter is related to human sexuality. These absences do not count toward the student's discretionary 10-day total. The District will provide parents/guardians with at least 48-hours notice before such instruction is scheduled to occur.

#### SEXUAL HARASSMENT/INTIMIDATION IN THE WORKPLACE (5012, 5015, 3210, 3225)

The District will do everything in its power to provide employees a work 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.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging 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 a basis for employment decisions affecting that 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 work 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 that has the effect of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.

A violation of this policy may result in disciplinary action, up to and including discharge. Any person who knowingly makes false accusations regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexual 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 Title IX Coordinator, Melissa Hardman(mhardman@evergreensd50.com), or an administrator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

#### Contacts

Names, office location, and phone numbers of District equity coordinator (designated by the District) and others designated to provide information and assistance include:

#### COORDINATOR FOR EQUITY AND 504 ISSUES:

Melissa Hardman, Special Services Director

[mhardman@evergreensd50.com](mailto:mhardman@evergreensd50.com)

18 W. Evergreen Drive, Kalispell, Montana 59901

(406) 751-1111

#### Building Contacts:

Principal	Evergreen Elementary - 535 E. Evergreen Drive	(406) 751-1121
Principal	Evergreen Junior High - 20 W. Evergreen Drive	(406) 751-1131
Principal	Crossroads Program - 18 W. Evergreen Drive	(406) 751-1141
Special Services Director	District Office - 18 W. Evergreen Drive	(406) 751-1111
Clerk	District Office - 18 W. Evergreen Drive	(406) 751-1111

The District has specific procedures for addressing complaints of sexual harassment or intimidation. Please contact the Special Services Director, Melissa Hardman, for more information (406) 751-1111 or [mhardman@evergreensd50.com](mailto:mhardman@evergreensd50.com).

#### EVERGREEN SCHOOL DISTRICT TITLE IX TRAINING FOR ALL STAFF

Title IX Overview, Law: Title IX, 20 § U.S.C. 1681

#### Enforcement of Title IX: Office of Civil Rights (OCR)

- Prohibits discrimination “on the basis of sex”;
- Applies to education programs and federally funded schools (whether or not sponsored by the educational institution);
- Protects students, employees, applicants, and all other persons

#### Title IX Implementing Regulation

Conduct must occur in “educational program or activity”

- This does not mean geography – no on/off-campus bright line rule and
  - Includes “locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the harassment occurs”
1. A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called quid pro quo harassment); OR
  2. Unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school's education program or activity (often called hostile work/educational environment harassment), OR
  3. Dating Violence Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by:
    - a. The length of the relationship.
    - b. The type of relationship.
    - c. The frequency of interaction between the persons involved in the relationship

Domestic Violence Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner, a parent of a shared child, a former or current cohabitor as a spouse or intimate partner, or someone similarly situated to a spouse under domestic or family violence laws . . . , or by any other person against a victim who is protected under the domestic or family violence laws[.]

Stalking Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress.

Sexual Assault An offense classified as a forcible or non-forcible sex offense by the FBI’s uniform crime reporting system:

- Rape,
- Fondling,
- Incest, or
- Statutory rape

#### Title IX Coordinator

Inquiries concerning the application of Title IX may be referred to the District’s Title IX Coordinator:

Melissa Hardman, Special Services Director  
18 West Evergreen Drive  
Kalispell, Montana 59901  
(406) 751-1111, [mhardman@evergreensd50.com](mailto:mhardman@evergreensd50.com)

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

#### Filing a Complaint

An individual believing that he or she has been the victim of sex discrimination should file a complaint with the Title IX Coordinator within 30 days of the incident(s) giving rise to the allegations. If the individual wishes to invoke the formal complaint procedures (see formal complaint procedures section), the complaint should be made in writing. An individual wishing to invoke the informal resolution process may make a complaint in writing or verbally. In the event of a possible sexual harassment circumstance, the individual initiating the complaint may report to any adult staff in the school. A person with knowledge of the complaint is required to report directly to the Title IX coordinator. The Title IX coordinator will meet with the individual accuser and accused individual to

provide non discriminatory, unbiased support, assist in filing a complaint as appropriate, and inform both parties (including the parents of a school age child) of the process including investigation and decision making.

An individual wishing to make a complaint will be provided with a copy of these procedures.

### Informal Resolution

An individual alleging sex discrimination by an employee, student, or third party may access an informal mechanism to attempt to resolve the situation. The individual making the complaint is not required to invoke any informal mechanisms to resolve the situation. The decision to invoke the informal resolution process is voluntary. If the individual wishes to attempt to work out the problem directly with the alleged perpetrator, a school representative will be available to assist. The individual may also request mediation with a designated mediator present to assist the individual and alleged perpetrator reach a resolution. The individual has the right to end the informal resolution process at any time. If the individual wishes to end the informal process prior to reaching a resolution or is not satisfied with the resolution reached, the individual has the right to commence a formal complaint at any time. The informal process, including mediation, will not be available to individuals alleging sexual assault.

### Formal Complaints

An individual may make a formal complaint of sex discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute sex discrimination. The individual has the right to contact law enforcement to determine if criminal activity occurred.

### *Investigation*

The District shall conduct an adequate, reliable, and impartial investigation into the allegations. Even if no formal complaint has been filed, the District may still conduct an investigation to determine whether sex discrimination has occurred when it has knowledge of allegations of sex discrimination. Any investigation by the District shall be in addition to any criminal investigation that may occur. Determinations resulting from the investigation shall be made on a preponderance of the evidence standard (i.e., it is more likely than not that sex discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant information, witnesses and other evidence. The investigation shall allow for both the alleged victim and alleged perpetrator to provide information separately. If written statements are provided, each party shall have the opportunity to review such statements, subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law.

Either party may have a representative or lawyer present during the investigations; however, the representative or lawyer is not allowed to speak or ask questions during any investigatory interviews. The representative or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

### *Notice of Outcome or Decision*

Both the alleged victim and alleged perpetrator shall be notified in writing regarding the outcome of the investigation. Subject to FERPA and Montana law, an alleged victim may be notified about sanctions imposed on another individual found to have engaged in harassment when that sanction directly relates to the individual. This may include an order that the harasser stay away from the victim.

### *Time Frames*

The District shall complete its investigation within 60 days of receipt of the complaint or knowledge of allegations of sex discrimination. With the consent of the parties and the Superintendent, the investigation may be extended for an additional 15 days in extenuating circumstances. The investigator shall contact both parties if once it appears that the investigation will require a longer period of time. The Notice of the Outcome of the investigation will be sent within that 60-day period, unless extended as described herein.

### *Appeals*

Any party who is not satisfied with the findings from the investigation may appeal to the superintendent. The appeal should be made within ten (10) days of receipt of the Notice of Outcome or Decision. Within three (3) days of receipt of any appeal by either party, the superintendent shall notify the non appealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the non appealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the non appealing party has submitted any opposition to the appeal, the superintendent shall issue a written decision to both parties affirming or rejecting the investigation findings.

If either party is not satisfied with the superintendent's written decision, that party may submit a written appeal to the Board of Trustees within ten (10) days of receipt of the superintendent's decision. The Board shall hold a hearing to determine whether the superintendent's decision shall be affirmed or rejected. Depending on the unique circumstances of the complaint, the Board may arrange for alternative means of participation for one of the parties. The Board shall issue a written decision within thirty (30) days of the hearing affirming or rejecting the superintendent's decision.

### Remedies

The District shall take all reasonable and necessary measures to prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a sex discrimination investigation shall notify the

Title IX Coordinator if he or she believes that he or she is being retaliated against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.

#### **BULLYING/HARASSMENT/INTIMIDATION/HAZING (5015)**

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

All complaints about behavior which allege facts that, if true, could be reasonably found to violate this policy shall be promptly investigated. The investigation may be suspended or terminated if the employee files a claim in another forum making allegations that are the same or similar to those presented in the complaint. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal, who has overall responsibility for such investigations. Complaints against the building principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board. The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

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

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

#### **WHISTLEBLOWING AND RETALIATION**

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the superintendent or Board Chairperson.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

1. theft of district money, property, or resources;
2. misuse of authority for personal gain or other non-district purpose;
3. fraud;
4. violations of applicable federal and state laws and regulations; and/or
5. serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation, or discrimination against:

1. Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
2. Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
3. Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, recording state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation, or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistleblowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee's behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

1. investigate any complaints of retaliation or interference made by whistle blowers;

2. take immediate steps to stop any alleged retaliation; and
3. discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender's position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

### COPYRIGHT LAWS

The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or use of audio, visual, or printed materials and computer software, unless the copying or use conforms to the "fair use" doctrine.

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

Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

- Purpose and Character of the Use – The use must be for such purposes as teaching or scholarship.
- Nature of the Copyrighted Work – The type of work to be copied.
- Amount and Substantiality of the Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- Effect of the Use Upon the Potential Market for or value of the Copyrighted Work – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the District encourages its staff to enrich learning programs by making proper use of supplementary materials, it is the responsibility of staff to abide by District copying procedures and obey requirements of law. Under no circumstances will it be necessary for staff to violate copyright requirements in order to properly perform their duties. The District cannot be responsible for any violations of copyright law by its staff

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the District procedures or is permissible under the law should consult the superintendent. The superintendent will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

Legal Reference 17 USC 101-1010 Federal Copyright Law of 1976 Copyright Compliance

### Copyright Compliance

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

1. Brevity
  - a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
  - b. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than a 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words (each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph).
  - c. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. "Special" works cannot be reproduced in full; this includes children's books combining poetry, prose, or poetic prose.
2. Spontaneity should be at the "instance and inspiration" of the individual teacher.
3. Cumulative Effect Teachers are limited to using copied material for only one (1) course in school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner. The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. "Consumable" work includes: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority", and students cannot be charged more than the actual cost of photocopying. Teachers may use copyrighted materials in overhead or opaque projectors for instructional purposes.



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

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

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

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

### Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

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

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

In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance, when the purchased copies have been lost, destroyed, or are otherwise not available; make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal; make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical or dramatic works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of nondramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided that:

- The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and,
- Admission fees are used for educational or charitable purposes only.

All other musical and dramatic performances require permission from the copyright owner. Parents or others wishing to record a performance should check with the sponsor to ensure compliance with copyright.

### Recording of Copyrighted Programs

Television programs, excluding news programs, transmitted by commercial and noncommercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after the date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately. Certain programming such as that provided on public television may be exempt from this provision; check with the librarian or the subscription database, e.g. united streaming.

## **USE OF INFORMATION RESOURCES REGULATION**

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the 10 day period.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

### Authorized Reproduction and Use of Copyrighted Computer Software

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the authors of software programs, the school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs. To this end, the following guidelines shall be in effect:

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A backup copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a backup copy that will be used for replacement purposes only;
- A copy of the software license agreement shall be retained by the, *[board secretary, technology director or teacher-librarian - choose all that apply or add others]*; and,
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

### Fair Use Guidelines for Educational Multimedia

Students may incorporate portions of copyrighted materials in producing educational multimedia projects such as videos, PowerPoints, podcasts and web sites for a specific course, and may perform, display or retain the projects.

Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities.

These projects may be used:

- In face-to-face instruction;
- In demonstrations and presentations, including conferences;
- In assignments to students;
- For remote instruction if distribution of the signal is limited;
- Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or,
- In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.

The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;
- Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

Fair use does not include posting a student or teacher's work on the Internet if it includes portions of copyrighted materials.

Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online. The opening screen of such presentations shall include notice that permission was granted and materials are restricted from further use.

### Computer Software

The unauthorized copying of any computer software which is licensed or protected by copyright is theft, and thus unethical. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by the copyright owner.

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

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

### MAILBOXES, VOICEMAIL AND EMAIL

The mailboxes found in the school offices are used for the distribution of outside mail as well as bulletins, memorandums, calls, reminders, etc. It is important that you check your mailbox, voicemail, and email regularly as the next day may be too late for you to receive timely information. Outgoing mail is picked up daily. It is also important to check your email, staff mailbox, and voicemail at least three times per day: first thing in the morning, lunchtime, and before leaving school.

### EMPLOYEE ELECTRONIC MAIL AND NETWORK USAGE (5450)

Electronic mail ("e-mail") is an electronic message that is transmitted between two or more computers, cellular phones, PDAs (Personal Digital Assistants) or other similarly configured devices, regardless or not if the message is converted to paper format after

receipt and whether or not the message is viewed upon receiving or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network and also includes IM (Instant Messaging), "texting" through Cellular Phones and "Chat" transmissions.

Because of the unique nature of email and network usage and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address e-mail and network usage by all employees:

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the e-mail or Internet systems for any purpose. Employees have no expectation of privacy in district-owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices and cell phones.

Users of district e-mail and network systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail and network system, including but not limited to mail that degrades or demeans other individuals; pornography, obscenity, harassment, solicitation, the sale of property or merchandise for personal gain, gambling, advocating for or against political candidates/causes, sending "chain mail" messages and violating copyright or intellectual property rights are prohibited. Abuse of the e-mail or network systems, through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail-records and network files are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an electronic mail, IM or CHAT message does not intend for this item to be forwarded, the sender should clearly mark the message "Do Not Forward."

In order to keep District electronic mail and network file systems secure, users may not leave the terminal "signed on" and/or with unlocked desktop access when unattended and may not leave their password(s) available in an obvious place near the terminal or share their password(s) with anyone except the system administrator(s). The district reserves the right to bypass individual passwords at any time and to monitor the use of any network based systems by employees.

Additionally, District records, email/network files and records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, the District retains the right to access any stored record in cases where there is reasonable cause to expect wrongdoing or misuse of the system. The District also retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence. E-mail, IM, CHAT & Texting messages by employees may not necessarily reflect the views of the District.

Except as provided herein, district employees are prohibited from accessing another employee's electronic mail without the verbal or written consent of the employee and/or approval of the District. All district employees should be aware that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author or the District.

Electronic mail sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All district electronic mail, network files and other communications can be monitored and may be archived for future retrieval

#### ELECTRONIC RESOURCES AND SOCIAL NETWORKING (5460)

The Evergreen School District recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. The District also believes that students need to be proficient users of information, media, and technology to succeed in a digital world.

Public school employees are held to a high standard of behavior. The Montana Department of Education *Professional Educators of Montana Code of Ethics* requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The District encourages all staff to read and become familiar with the Code of Ethics.

Therefore, the District will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is the District's goal to provide students with rich and ample opportunities to use technology for important purposes in schools just as individuals in workplaces and other real-life settings. The District's technology will enable educators and students to communicate, learn, share, collaborate and create, to think and solve problems, to manage their work and to take ownership of their lives.

The school district staff shall not socialize with students on social networking websites (during school or out-of-school). Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability. Specifically, the following forms of technology-based interactivity or connectivity are expressly not permitted or are forbidden:

1. Text messaging students for anything other than educational purposes and those purposes expressly allowed under the terms of this policy; text messaging should take place through the Remind App instead of personal cell phones;
2. Emailing students other than through and to school controlled and monitored accounts;
3. Soliciting students as friends or contacts on social networking sites, unless asked to do so by administration;
4. Accepting the solicitation of students as friends or contacts on social networking sites;
5. Sharing information with students that allows them to access personal websites or other media through which the staff member would share personal information and occurrences;
6. Knowingly participating in online games with students that are unrelated to the adopted curriculum or are of a recreational or non-educational nature and;
7. Using a webcam to communicate with a student unless for instructional purposes;
8. Sharing personal landline or cell phone numbers with students.

The following forms of technology based interactivity or connectivity are permitted:

1. Sharing personal landline or cell phone numbers with students for educational, emergency or supervision purposes only;
2. Creation of administratively approved and sanctioned “groups” on social networking sites that permit the broadcast of information without granting students access to staff member’s personal information and;
3. Text messaging associated with the supervision, safety and well being of students.

Accessing social networking websites for individual use during school hours is prohibited, unless asked to do so by administration. Except in an emergency situation, staff shall not access social networking sites using district equipment or personal equipment, including during breaks or preparation periods. All school district employees who participate in social networking websites shall not post any school district data, documents, photographs, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

The District supports the use of Artificial Intelligence (AI) tools to assist teachers and staff, including but not limited to as a tool to assist with lesson planning, differentiation, and productivity. The use of AI tools shall not act as a substitute for teaching or to replace the teacher’s professional judgment. Teachers and staff are expected to model appropriate and ethical use of AI tools for students. Teachers and staff shall not input any student names, grades, or other personally identifiable information into AI tools. Teachers and staff may be required by administration to disclose the use of AI tools.

The Board directs the superintendent or his/her designee to create electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

Staff should contact the administration if they would like to establish an educational related social media presence.

## DISTRICT-PROVIDED ACCESS TO ELECTRONIC INFORMATION, SERVICES, AND NETWORKS (3612)

### General

Internet access and interconnected computer systems are available to the District’s students and faculty. Electronic networks, including the Internet, are a part of the District’s instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided Internet access are responsible for good behavior online. The same general rules for behavior apply to students’ use of District-provided computer systems. Students must understand that one student’s misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the District’s teachers and other staff will make reasonable efforts to supervise use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

### Curriculum

The use of the District’s electronic networks shall be consistent with the curriculum adopted by the District, as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and shall comply with the selection criteria for instructional materials and library-media center materials. Staff members may, consistent with the District’s educational goals, use the Internet throughout the curriculum.

Students will be taught appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

### Acceptable Use

All use of the District’s electronic network must be:

1. In support of education and/or research, and in furtherance of the District’s stated educational goals; or
2. For a legitimate school business purpose.

Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review and store, at any time and without prior notice, any and all usage of the computer network and Internet credit card access and any and all information transmitted or received in connection with such usage.

### Unacceptable Uses of the Network

Using the District Network in the following ways is prohibited:

1. Activity that violates the law or encourages others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting or downloading pornographic materials or materials that encourage others to violate the law; downloading any materials deemed inappropriate by the District Administration; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information or unauthorized copyrighted materials.
2. Activity that causes harm to others or damages their property, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, or other harmful forms of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
3. Activity that jeopardizes the security of student access and of the computer network or other networks on the Internet.
4. Uses of the Network for commercial activities by for-profit organizations, product promotion, or political lobbying. Students may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

### Internet Safety

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are obscene, pornographic, or harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The School will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate for minors. The Superintendent or designee shall enforce the use of such filtering devices.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.

Filtering should only be viewed as one of a number of techniques used to manage students' access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors. Filtering should be used in conjunction with:

1. Educating students to be "Net-smart";
2. Using recognized Internet gateways as a searching tool and/or home page for students, in order to facilitate access to appropriate material;
3. Using "Acceptable Use Agreements";
4. Using behavior management practices for which Internet access privileges can be earned or lost; and
5. Appropriate supervision, either in person and/or electronically.

District administrators, teachers, and/or the technology coordinator shall monitor student Internet access.

### Confidentiality of Student Information (2132)

Personally identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent or guardian. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and social security numbers. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

### Internet Access Conduct Agreements

Each student and his/her parent(s)/legal guardian(s) will be required to sign at the beginning of each school year the Internet Access Conduct Agreement prior to having access to the District's computer system and/or Internet Service.

### Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet, and any user is fully responsible to the District and shall indemnify and hold the District, its Trustees, Administrators, Teachers, and Staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the District in the event of the School initiating an investigation of a user's use of his/her access to its computer network and the Internet.

### Violations

If any user violates this policy, the student's access will be denied, and additional disciplinary action may be taken. The system administrator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his/her/their decision being final.

### ACCEPTABLE USE OF ELECTRONIC NETWORKS

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or prescribed behaviors by users. However, some specific examples are provided. The failure of any user to follow these procedures may result in the loss of privileges, disciplinary action, and/or appropriate legal action.

### Terms and Conditions

1. Acceptable Use - Access to the District's electronic networks must be for: (a) the purpose of education or research and consistent with the educational objectives of the District; or (b) legitimate use as authorized.
2. Privileges - The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. If a student violates this policy, the District will deny the student access or will withdraw access and may subject the student to additional disciplinary action. An administrator or building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.
3. Unacceptable Use - The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or de-virused, or reconfiguration of network components;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain during school hours. \_Note – Use of the network for any type of private gain is strongly discouraged and must be approved by the District Superintendent in advance.
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;
  - i. Posting material authored or created by another without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the network for unauthorized commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette - The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
  - a. Be polite. Do not become abusive in messages to others.
  - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
  - c. Do not reveal personal information (with the exception of Student Directory information) including the addresses or telephone numbers of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
  - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties - The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification - The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security - Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator, superintendent, or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism - Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, any other network or computer equipment. This includes, but is not limited to, the uploading or creation of computer viruses.
9. Telephone Charges - The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules - Copyright law prohibits the republishing of text or graphics found on the web or on District websites or file servers, without explicit written permission.
  - a. For each republication (on a website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the web address of the original source.
  - b. Students and staff engaged in producing Web pages must provide library media specialists with an email or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.
  - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the website displaying the material may not be considered a source of permission.
  - d. The "fair use" rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
  - e. Student work may only be published if there is written permission from both the parent/guardian and the student.
11. Internet access is limited to only those "acceptable uses," as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in these procedures, and will otherwise follow these procedures.
12. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
13. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.
14. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
15. The system administrator and building principals shall monitor student Internet access.

#### EMPLOYEE USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES

The Board recognizes that the use of cellular telephones and other electronic communication devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District sponsored activities. To this end, the Board authorizes the purchase and employee use of such devices, as deemed appropriate by the superintendent.

District owned telephones, cellular telephones and other devices will be used primarily for authorized District business purposes. While occasional personal use of District-owned equipment is allowed, the District shall incur no expense for such use. In addition, employees may only use District cell phones and similar communication devices for personal matters during non-instructional time. Under no circumstance shall an employee's personal use of District equipment interfere with the employee's job obligations and responsibilities. If such use is determined to have interfered with an employee's obligations and responsibilities, the employee will be disciplined under the terms of applicable policy and contract language.

Use of cellular telephones and other electronic communication devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including dismissal.

District employees are prohibited from using cell phones or other electronic communication devices while driving or otherwise operating District-owned motor vehicles, or while driving or otherwise operating personally-owned vehicles when transporting students on school-sponsored activities.

#### Emergency Use

Staff is encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff or other individuals.

#### Use of Personal Cell Phones and Communication Devices

Employees are strongly discouraged from using their personal cell phone during the school day. When necessary, employees may use their personal cell phones and similar communication devices only during non-instructional time. Under no circumstances shall an employee's use of a cell phone interfere with the employee's job obligations and responsibilities. If such use is determined to have

interfered with an employee's obligations and responsibilities, the employee will be disciplined under the terms of applicable policy and contract language.

## RECORDING STUDENTS

The District may use security and surveillance video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District facilities and equipment. Employees may not audio or video record students (outside of the security and surveillance recording or recordings made at events open to the public, such as extracurricular events or public performances) without prior parent permission. A consent form seeking permission to record during extracurricular activities for coaching or instruction and for students to be included in audio and video recordings in classrooms during the year so that teachers may use these videos to reflect on and continue to improve instructional practices is included in the digital registration and verification process each year.

## HIPAA (5510)

### The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for *electronic healthcare transactions*. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result, HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee's (or dependent's) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person's name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.
2. Individuals have the right to request an amendment to their health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.
3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.
4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.
6. Covered entities are required to issue a notice of privacy practices to their enrollees.
7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

### Compliance

The clerk has been designated the Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon request. Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for health care operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and



procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate health care operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.
- The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

### Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is: District Clerk, Evergreen School District, 18 W. Evergreen Drive, Kalispell, Montana 59901

### DISSEMINATION OF NON-SCHOOL MATERIALS

It shall be the protocol of the District to post and/or distribute only those notices or materials that can be determined to be:

1. Non-sectarian in nature, and
2. Noncommercial in nature.

Certain commercial notices can be posted if the building administrator determines that the information has an educational value (direct or indirect) to the students, staff, or parents of Evergreen School District No. 50. The building administrator shall be responsible for handling all requests under this policy.

### DISTRIBUTION OF UNAPPROVED MATERIAL

All classified support staff shall refrain from distributing to students any and all electronic or written materials which are not already part of the approved District instructional curriculum or library selection. Distribution of such materials shall take place only with the written consent of the staff member's supervisor.

### ORDERING MATERIALS AND SUPPLIES

All purchases made in the name of the District must be properly requisitioned through the building principal and subsequently authorized by the Superintendent on a District purchase order. The district clerk will not honor invoices for goods or services that do not show a District purchase order number.

### RENTALS / ORDERS "ON APPROVAL"

Staff members who order materials on approval or rent hardware/equipment in the school name shall be held financially responsible for any and all obligations incurred by not returning the merchandise in a timely manner. "On Approval" merchandise requires a Return Authorization Form available in the clerk's office upon request.

### STUDENT FUNDRAISING ACTIVITIES

The Board acknowledges that the solicitation of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose including the collection of money in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization may be permitted by the building principal providing that the instructional program is not adversely affected.

The superintendent shall establish rules and regulations for the solicitation of funds by approved school organizations, official school-parent groups and by outside organizations. The principal shall distribute these rules and regulations to each student organization granted permission to solicit funds.

It shall be the policy of the District not to be involved in various fund raising projects unless they are co-sponsored by Evergreen School District No. 50.

### PERSONAL APPOINTMENTS

Please try to schedule personal appointments at hours that do not conflict with school hours or regularly scheduled meetings. If it is necessary that a classified staff member leaves campus or needs an unscheduled clock out during a work day, he or she must have permission from the building administrator and must clock out upon leaving and clock in upon returning. Certified staff members must submit a leave request through their building administrator and sign out upon leaving and sign in upon returning.

### MEETINGS

Staff meetings are scheduled for the purpose of organization and communication of business that typically cannot be handled through staff bulletins, departmental, or committee structure. All staff are expected to attend staff meetings unless prior arrangements have been made with the building principal. Meetings sponsored or called by recognized collective bargaining units during contract hours are subject to prior approval of the building principal. Attendance of staff members at such meetings is left to the discretion of each employee.

### ABSENTEEISM AND TARDINESS

Regular and timely attendance is an essential function of each position within the District. Employees are expected to report for work on time and to notify their immediate supervisor if they must be tardy or absent. Failure to provide regular and timely attendance may result in disciplinary action, up to and including termination.

### DISRUPTING THE EDUCATIONAL PROCESS

Any employee who participates in or encourages activities that disrupt the educational process or the operations of the District may be subject to disciplinary action, including termination. Policy 5255.

Behavior that disrupts the educational process includes, but is not limited to:

- Conduct that threatens the health, safety or welfare of others;
- Conduct that may damage public or private property (including the property of students or staff);
- Illegal activity;
- Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
- Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the District, school and school-related activities or District operations.

### HUMAN SEXUALITY INSTRUCTION ABSENCE

A student may be absent from a class period, assembly, school function, or other instruction at the request of a parent/guardian/other person responsible for care when the subject matter is related to human sexuality. These absences do not count toward the student's discretionary 10-day total. The District will provide parents/guardians with at least 48-hours notice before such instruction is scheduled to occur.

## PAYMENT OF INTEREST ON EMPLOYER CONTRIBUTIONS FOR WORKERS COMPENSATION TIME

An employee absent because of an employment-related injury entitling the employee to workers' compensation payments may, upon the employee's return to service, contribute to the retirement system an amount equal to the contributions that would have been made by the employee to the system on the basis of the employee's absence plus regular interest accruing from one (1) year from the date after the employee returns to service to the date the employee contributes for the period of absence.

The District has the option to pay, or not to pay, the interest on the employer's contribution for the period of absence based on salary as calculated. If the employer elects not to pay the interest costs, this amount must be paid by the employee. It is the policy of this District to not pay the interest costs associated with the employer's contribution.

## SUPPLEMENTARY AIDS AND SERVICES

Supplementary aids and services (what we formerly called modifications) as identified in the student with disabilities individual education plan (IEP) must be implemented in every class that the student participates in. If a student is in your math class that is a regular section, you must still implement his or her supplementary aids and services. You should receive information from case managers that includes supplementary aids and services for all special education students that you teach throughout the day.

## CONFIDENTIALITY - PARENT/STUDENT

Parents have the right to inspect and review any education records relating to their children. Students have the right to inspect and review their own records at age 18.

The district should presume that the parent has authority to inspect records unless the system has been advised that the parent does not have access due to matters such as guardianship, separation, divorce. If any educational record includes information on more than one child, parents can review only the information relating to their child.

Access of unauthorized persons to personally identifiable information without parental consent is forbidden. Protect the confidentiality of records during collection, sending, storage, and destruction stages. You are responsible for keeping any student information you have access to confidential. This includes, but is not limited to information contained in or learned from:

- Infinite Campus
- Individual Education Plans (IEPs)
- 504 Plans
- MTSS Plans
- Health Information and/or Plans
- Grade Reports
- Phone Calls
- Conferences
- Emails
- Conversations

At no time should a discussion regarding any student's confidential information be shared in public places or with those who do not have a legitimate need to know the information in order to better serve the student (offices, hallways, away from school for non-school reasons, in front of other students or staff who do not have a need to know).

## ACCIDENT REPORTS/"ON THE JOB" ACCIDENT OR INJURY (5337)

All student accidents must be reported to the office immediately, and the details recorded on a form provided by the office for that purpose. The form must be signed by the person responsible for the activity during which the accident occurred.

All staff accidents or injuries while "on the job" must be reported to your immediate supervisor and the first report of injury form (see Google Drive) must be completed within 48 hours. The accident or injury must be reported to the business office to complete the necessary paperwork within 30 days following the incident.

## ADMINISTRATION OF MEDICATION TO STUDENTS (3416)

"Medication" means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications used as provided in this policy.

A building principal or other administrator may authorize, in writing, any school employee: To assist in self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions and with the written consent of a student's parent or guardian; and to assist in self-administration of a prescription drug to a student in compliance with written instructions of a medical practitioner and with the written consent of a student's parent or guardian.

Forms to allow medications to be administered are available at the respective school office. **A parent must come to the office and fill out a Health Care Change Form whenever there is a change of medical condition or medication.**

Except in an emergency situation, only a qualified healthcare professional may administer a drug or a prescription drug to a student under this policy. Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

### Administering Medication

The Board will permit administration of medication to students in schools in its jurisdiction. A school nurse (who has successfully completed specific training in administration of medication), pursuant to written authorization of a physician or dentist and that of a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, may administer medication to any student in the school or may delegate this task pursuant to Montana law.

### Emergency Administration of Medication

In case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may administer emergency oral or injectable medication to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a chief medical advisor or a student's private physician.

In the absence of a school nurse, an administrator or designated staff member exempt from the nurse licensing requirement under § 37-8-103(1)(c), MCA, who has completed training in administration of medication, may give emergency medication to students orally or by injection.

The Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.

A building administrator or school designee will enter any medication to be administered in an emergency on an individual student medication record and will file it in the student's cumulative health folder.

### Self-Administration of Medication

The District will permit students who are able to self-administer specific medication to do so provided that:

- A physician or dentist provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

A building principal or school administrator may authorize, in writing, any employee to assist with self-administration of medications, provided that only the following may be employed:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a pre-filled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.

### Self-Administration or Possession of Asthma, Severe Allergy, or Anaphylaxis Medication

Students with allergies or asthma may be authorized by the building principal or superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
- The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be **valid for the current school year only and must be renewed annually**. A student's authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel. If provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, and in accordance with documentation provided by the student's doctor, backup medication must be kept at a student's school in a predetermined location or locations to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.

### Administration of Glucagons

School employees are not required to administer glucagons to students. School employees may voluntarily agree to administer glucagons to a student pursuant to 20-5-412, MCA only under the following conditions: **(1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the school district as required by 20-5-412(2) and (3) the employee has filed the necessary written documentation of training with the school district as required by 20-5-412(4).**

### Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Must examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- Must develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Must record on the student's individual medication record the date a medication is delivered and the amount of medication received;
- Must store medication requiring refrigeration at 36° to 46° F;
- Must store prescribed medicinal preparations in a securely locked storage compartment; and
- Must store controlled substances in a separate compartment, secured and locked at all times.

The District will permit only a forty five (45) school day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medications to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

### Disposal of Medication

The District requires school personnel either to return to a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian or, with permission of the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school nurse, in the presence of a witness, will destroy any medicine not repossessed by a parent or guardian within a seven (7) day period of notification by school authorities.

### RESUSCITATION

No staff member may comply with any directive from parents or others, written or verbal, that life-sustaining emergency care be withheld from a student in need of such care while under the control and supervision of district staff.

Life-sustaining emergency care means any procedure or intervention applied by appropriately trained district staff that may prevent a student from dying who, without such procedure or intervention, faces a risk of imminent death. Examples of life-sustaining emergency care may include: efforts to stop bleeding, unblocking airways, mouth-to-mouth resuscitation, and cardiopulmonary resuscitation (CPR).

In a life-threatening situation, staff members are expected to dial 911 for paramedic assistance and provide life-sustaining emergency care to any student requiring it in order to sustain life, until relieved by paramedics or other appropriate medical personnel.

### CLASS INTERRUPTIONS

The District is committed to protecting instructional time. Class interruptions will be kept to a minimum. Students are not to be permitted to interrupt a class in session without authorization from an administrator or the classroom teacher. Intercom use is restricted to administrative use or administrative approved use only.

### DISMISSAL OF CLASSES

Teachers should never dismiss a class before the established dismissal time. Detaining the entire class after dismissal time is also discouraged. Whenever individual students are detained after class, the teacher is expected to provide the student a note for the student's next class teacher. This will help reduce unnecessary hall traffic, as students reporting to class late will need to account for their tardiness.

### DISPLAY OF FLAGS OR BANNERS

Staff members are prohibited from displaying flags or banners on school property, including but not limited to classrooms, in vehicles, and offices, except for the following:

The U.S. flag

The official flag of the state of Montana or any county, municipality, special district, or other political subdivision within the State

The official flag of a school district, public university, or community college  
The official flag of any state in the U.S.  
The official flag of any federally recognized tribal nation  
The official flag of any federally recognized foreign nation  
The official flag of any branches and units of the U.S. military  
Official historical flags of the U.S. and the state of Montana, including but not limited to the Betsy Ross flag, Gadsden flag, or other flags of historical significance  
The POW/MIA flag  
Flags or banners representing official school mascots and colors  
Official law enforcement flags, including but not limited to flags honoring law enforcement officers and fallen officers

Inquiries regarding whether a flag or banner is permitted shall be directed to the building administrator.

#### USE OF PHYSICAL RESTRAINT (3310)

Under no circumstances shall any employee of the District inflict physical punishment on a student except in accordance with the provisions of Montana Law. The following is extracted from paragraph 20-4-302 of the School Laws of Montana. Should you have questions pertaining to this law, contact the District Superintendent.

1. A teacher or principal has the authority to hold a pupil to a strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.
  2. For the purposes of this section, "corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.
  3. A person who is employed or engaged by a school district may not inflict or cause to be inflicted corporal punishment on a pupil.
  4. (a) A person who is employed or engaged by a school district may use physical restraint, defined as the placing of hands on a pupil as in a manner that is reasonable and necessary to:
    - a. Quell a disturbance
    - b. Provide self-protection;
    - c. Protect the pupil or others from physical injury;
    - d. Obtain possession of a weapon or other dangerous object on the person of the pupil or within control of the pupil;
    - e. Maintain the orderly conduct of a pupil including but not limited to relocating a pupil in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility; or
    - f. Protect property from serious harm.
- (b) Physical pain resulting from the use of physical restraint as defined in subsection (4)(a) does not constitute corporal punishment as long as the restraint is reasonable and necessary."
- (c) If a physical restraint is utilized for the above reasons, a restraint seclusion record must be filled out by the person performing the restraint.

Insofar as the Evergreen School District is concerned, any employee inflicting physical abuse on a student shall be subject to immediate suspension for an unspecified period during which time the Board of Trustees shall consider the fitness of the employee to continue working in the District.

## Restraint and Seclusion

- Seclusion/Isolation: Involuntary confinement of a student in a room or area where student is prevented from leaving (PROHIBITED)
  - May put a student in supervised timeout/team isolation (with full sight of student)
  - May not put a student in cubicle you cannot see in or in the hallway where you cannot see the student
- Restraint: Any method, device, material, or equipment that restricts freedom of movement or normal access to body (LIMITED USE)
  - May restrain when student is an imminent danger to self or others and less intensive interventions are not successful (must complete an Incident Report for each restraint)
    - May break up a fight (must let go as soon as danger is over)
    - May not place student in prone (lying face down) position
    - May stop a student from running into traffic
    - May not hold a student to simply prevent a student from leaving an assigned area.
  - Does not apply to law enforcement

From United States Department of Education:

“Restraint or seclusion should not be used as routine school safety measures; that is, they should not be implemented except in situations where a child’s behavior poses an imminent danger of serious physical harm to self or others and not as a routine strategy implemented to address instructional problems or inappropriate behaviors (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or retaliation, or as a convenience.”

“In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school should have a plan for: (1) teaching and supporting more appropriate behavior; and (2) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint and seclusion.”

## DISASTER DRILLS (\*Please review Safety Information - Quick Response Emergency Procedure Flip Chart)

Disaster drills are conducted periodically throughout the year. Teachers are responsible for instructing their students in safety and evacuation procedures\*. It is imperative that **all staff** account for all their students after evacuating the building. Evacuation routes shall be established and appropriate information disseminated in each building. Should you need to report a fire, call the Evergreen Volunteer Fire Department at 911.

## CHAPERONE RESPONSIBILITIES

Supervision must be constant, consistent, and vigilant in all areas in which we are entrusted and responsible for students. This includes on buses, in locker rooms, common areas, etc.

### Chaperone responsibilities for staff members (including coaches) and adult volunteers

1. The staff member in charge of the trip, i.e. head coach, lead teacher, sponsor, etc., will develop a list of students who are involved in the trip. This list will include home and work numbers of parents and medical information for those students with special needs. At minimum, one list will be provided to staff members per bus. A copy will also be submitted to the building principal prior to departure.
2. Check attendance before initial departure and each departure thereafter. The initial departure from school should not be delayed for late students/participants.
3. Seat students for effective management. This includes: separating males and females (students in grades 5-8 are always to be separated by gender other than in emergency situations in which time is of the essence), moving students to alternative locations as needed, and being proactive in terms of determining potential problem areas.
4. Students are to remain seated at all times while the bus is in motion.
5. Keep aisles, entry doors, and emergency exits clear of student and object obstructions.
6. Chaperones are to sit with students and should be located at various areas of the bus. At a minimum a chaperone will sit in the middle or back of the bus. If there are multiple chaperones, they will position themselves at multiple locations throughout the bus (i.e., if there are two chaperones one would sit in a seat in the middle of the bus, and the other would be seated at the back of the bus). Do not sit at the front of the bus and have the students behind you.
7. All chaperones must be present on the bus for the entire trip. The building principal can grant exceptions in limited instances.
8. All school rules for students apply during any trip/excursion. In addition, the use of alcohol and/or other drugs by chaperones is strictly prohibited during the course of the trip. Chaperones are not allowed to use any form of tobacco while traveling on the bus or when directly supervising students.
9. Responsibility for student management and supervision rests with the chaperones. Adult volunteers are expected to take action when they observe inappropriate student behavior. Habitual offenders and/or non-compliant students are to be reported to the head coach or lead teacher.
10. Students are required to travel to and from the activity using the District-provided transportation. They may not travel in private vehicles at any time (to, from, or while at the activity) unless authorized in advance by the building principal. The only exception to this rule is if the parent makes arrangements with the lead teacher or coach. This requires advance written parent permission/authorization.
11. If a student is suspected of violating any law while participating on the trip, the head coach or lead teacher(s) is to be notified immediately. This student(s) is to be isolated and supervised one-on-one. Law enforcement will be contacted, and the incident will be reported to the building principal as soon as possible.

12. The head coach or lead teacher(s) must explain all travel expectations and rules to all students prior to departure.
13. Chaperones can expect bus drivers to give supervisory assistance upon request as long as such assistance does not interfere with driving responsibilities.
14. Upon return, chaperones are responsible for ensuring that students remove all personal belongings and garbage.
15. Confidentiality is expected. If you have questions about the children or how a particular incident or student was handled, speak to the lead teacher or head coach. Follow the school's "chain of command," if necessary.
16. If there is a problem with the driver, it is the duty of the chaperone(s) to bring such matters to the attention of the building principal and/or superintendent. The driver will also be expected to report if chaperones fail to perform their duties.
17. In all instances, student safety must come first. Should there be a transportation-related emergency, the bus driver may demand and take complete control of the bus.
18. Chaperones agree to assume all other duties as assigned by the head coach or lead teacher(s).

Note - Adult chaperones must be at least 21 years of age and be approved by the building principal in advance of the trip. (see additional information in the Administrative Procedures Handbook - page 29 and chaperone guidelines form - page 124)

### CHAPERONES

When serving as a chaperone for the District, the parent(s)/guardian(s), or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products, nor shall they consume any alcoholic beverages nor use any illicit drug during the duration of their assignment as a chaperone. The chaperone shall not encourage or allow students to participate in any activity that is in violation of district policy during the field trip or excursion, including during the hours following the end of the day's activities. Chaperones shall be given a copy of these rules.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

### VISITORS

Students are not permitted to bring visitors to school without prior approval of the building principal. Staff members are expected to report any unauthorized person on school property to the building principal.

### HEALTH, SAFETY, AND SECURITY

It is the intent of the District to provide a safe and healthful working environment for all employees. Employees should report any security hazard or conditions they believe to be unsafe to their immediate supervisor. The District may require the use of personal protective equipment, including but not limited to face masks, if necessary for the safety and welfare of staff and students. For information on the District's Safety Plan and Bloodborne Pathogen Control Plan, contact your immediate supervisor or see the District's *Policy Manual* and related procedures.

Except for those vaccinations required by law, the District will not discriminate against an employee by denying or withholding employment opportunities based upon the employee's vaccination status.

### ASSAULTS AND THREATS OF VIOLENCE

Employees should immediately report any threats they receive (oral or written) to their immediate supervisor and to the appropriate District official.

### SURVEYS - PARENT OR STUDENT

All surveys must be approved by the superintendent before given to parents or students.

### ABUSED AND NEGLECTED CHILD REPORTING (5232)

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the Department of Public Health and Human Services (DPHHS). An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to the DPHHS, or who prevents another person from doing so, may be civilly liable for damages caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination. When a District employee makes a report, the DPHHS may share information with that individual or others as stated in MCA 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in MCA 41-3-205. (see form in Administrative Procedure)



### Families In Transition (FIT) Student Rights

Our school district provides equal access and comparable services to all students. A student meeting Families in Transition (FIT) status is based upon whether the parents/guardians are individuals who lack a fixed, regular, and adequate nighttime residence. Evergreen School District and Kalispell Public Schools collaborate to ensure that students who meet FIT status are able to access school services and sustain their affiliation with their school of origin. The following website provides further information regarding services for Families in Transition: [The McKinney-Vento Homeless Assistance Act](#). Please contact our Families in Transition Liaison and Activity Director for further assistance.

Natalie Molter  
Families in Transition Liaison  
Evergreen School District #50  
(406) 751-3630

### Students in Foster Care

Students in foster care are entitled to educational stability under Title I for the duration of their time in foster care. “Foster care” means “24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility.” This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

The District will take efforts to ensure that a child in foster care:

- Remains in his or her school of origin (school last enrolled in at the time of placement in foster care) unless it is not in the child’s best interest; or
- If the school of origin is not in the child’s best interest, the child must be immediately enrolled in a new school regardless of being able to produce records otherwise required.

The District will collaborate with the child welfare agency involved in a particular student’s case to make the “best interest” determination as quickly as possible. The child welfare agency will provide the District with a current address, updated emergency contact information, and any legal status or no contact orders necessary to support the safety and well being of the child. The District will collaborate with the child welfare agency regarding the provision of transportation to the selected school for the student.

Please contact our Foster Care Point of Contact for further assistance.

Melissa Hardman  
Special Services Director  
Evergreen School District #50  
18 West Evergreen Drive  
Kalispell, Montana 59901  
mhardman@evergreensd50.com  
(406) 751-1111

## **THIS SECTION PERTAINS TO CERTIFIED STAFF ONLY**

### **MASTER AGREEMENT**

A copy of the current Master Agreement has been made available to you. Please familiarize yourself with the provisions of the Agreement and the provisions which are found in this handbook as well.

### **PAYROLL DEDUCTIONS**

Current deductions are:

- Social Security / Medicare (employee share)
- Montana Teacher Retirement (employee share)
- Federal Income Tax - variable
- State Income Tax - variable
- Workers' Compensation - variable
- Annuities, Credit Union, Other - upon request
- Evergreen Education Association Dues - upon request
- Hot Lunch - if applicable
- Insurance Premiums - if applicable
- Flex Account Amounts - if applicable

### **ABSENCES/WORK DAY**

Teachers are required to report to their building by 8:00 a.m. (Crossroads 7:45 a.m.) In the event you are unavoidably detained, please call the office and inform them that you will be late. Upon arrival, you must personally check in with the building administrator. The minimum work day extends until 3:45 p.m. (Crossroads 3:30 p.m.) On Fridays, staff may leave 15 minutes prior to normal staff dismissal time.

The above represents what can be considered a minimum daily time commitment of availability to students, administrators and/or parents. Occasionally you may be called upon to attend faculty meetings or conferences outside of the time frames given.

When ill, notify your building secretary as soon as possible in order that a substitute may be notified. A call to the secretary's home between 6:00 and 7:00 a.m. provides time for the substitute to make the necessary arrangements to teach that day. When you are confronted with an emergency situation that necessitates your absence, contact your building secretary as soon as convenient, but at a reasonable hour if at all possible.

All certified staff shall request leave first, through their supervisor and, if approved, then through the time clock system. If the absence is an unexpected sick leave, the staff member should enter the absence in the time clock system on the first day returning to work. Professional and personal leave must be requested at least five working days prior to the anticipated use of leave. Employees should be aware that in the event a substitute cannot be found the personal leave request may be denied.

### **ABSENCE ON A PUPIL INSTRUCTION RELATED (PIR) DAY (PIR PACKET)**

At the end of the school year, each certified employee's Participation Sheet must account for the required number of Mandatory Days and Optional Days. Employees will be docked for days not accounted for. Failure to fulfill PIR obligations can lead to disciplinary action.

It is the employee's responsibility to make sure they attend the required number of PIR days. Optional PIR day workshops cannot be substituted for Mandatory PIR day activities. Leave Days do count toward Mandatory and Optional PIR days.

Use of personal or vacation leave during the first five teacher contracted days, on a mandatory PIR day, or during the last twenty pupil instruction days of the year may be granted only at the Superintendent's sole discretion and on a case-by-case basis. If a staff member is absent during one of the nine district-assigned PIR days, appropriate leave time will be deducted from that staff member, and that missed PIR time may not be made up at a different time.

### **EXTRACURRICULAR COMPENSATION POLICY**

It shall be the policy of the District to compensate those personnel who assist with extracurricular activities during the school year as per the salary schedule in the Master Agreement.

#### **Experience**

Those who have experience coaching in the District in each respective sport shall be advanced one increment from year to year within that sport. So as not to discourage transfer from one activity to another during the same extracurricular activity season, the following procedure will be implemented:

In cases where personnel transfer from one activity to another during the same season, in consecutive years, 50% of the experience credit from the previous activity shall be granted on the payment schedule for the new activity. Example:

Mr. A has coached girls' volleyball for the last five years and this fall is coaching football with no experience in football. Because football is held during the same seasonal time period as volleyball, Mr. A would receive three years of experience ( $5/2 = 3$ ) to be applied toward football compensation. If Mr. A had not coached volleyball the year prior to the football, he is not entitled to receive the additional experience and will start at the base rate of pay for football.

Coaches new to Evergreen School District with prior coaching experience will be advanced one step on the salary schedule for each year of prior experience up to a maximum of seven years. Only experience for the ten-year period preceding employment by the District will apply.

#### CERTIFICATION

All teachers are responsible for keeping their certification current. Don't hesitate to contact the District Office for information concerning certificate renewal. New teachers to the system are required to be properly certified. A copy of your certificate must be registered with the Flathead County Superintendent's Office and a stamped copy filed in the District Office.

#### TRANSCRIPTS

A certified transcript or transcripts of all credits earned must be on file in the District Office.

#### FALL CONVENTION (MCA, 20-4-304)

Under State law, teachers shall attend the annual instructional and professional development meetings of teachers' organizations or an approved District in-service program. Failure to do either will result in loss of pay for these days.  
5120-13416

#### TEACHER REPRESENTATION WHEN HIRING CERTIFIED PERSONNEL

The Board recognizes the value of having input from staff in the hiring process. If the District Administration determines that it will use a hiring committee to hire certified personnel and/or instructional tutors, it will follow the following process:

1. One EEA Member will be invited to participate as a representative on the interview committee. The District Administration will notify the EEA that it will use a hiring committee to fill a certified position or instructional tutor position. It will be the EEA's responsibility to communicate with the superintendent regarding procedures for EEA representation in interviews conducted over the summer. Failure by EEA to initiate and maintain communication regarding summer interviews will result in loss of representation for filling the position in question.
  - a. EEA will submit three (3) teachers for consideration to act as the EEA representative to the superintendent. The superintendent shall select the representative from the names submitted by the EEA. The teacher must be a current District teacher, but not necessarily an EEA member.
  - b. Every attempt will be made for EEA representatives to be rotated, enabling a variety of teachers to take part in the process.
  - c. The EEA representative may represent the grade level or subject area where the job opening occurs whenever possible.
  - d. The EEA representative will be obligated to be available for all interviews. Failure to attend any interview will preclude the EEA representative from taking part in the process going forward.
2. Compliance with the Open Meeting Law Pursuant to Montana law, if the District Administration determines that it will use a hiring committee to fill a certified or instructional tutor position, it will comply with the Open Meeting Law in planning and holding all meetings and interviews.
3. Duties of EEA Representative
  - a. Meet with the grade-level teachers and building principal to review qualifications for the position.
  - b. Meet with the grade-level/subject-area teachers to gather concerns and questions in writing.
  - c. The formulated questions will deal with curriculum, atmosphere, and concerns that directly influence an everyday agenda. These questions will be screened prior to the interview.
4. The teacher representative will sit in on interviews with the committee, but will not have access to confidential portions of the application, as determined by the building principal. She/he will be part of the discussion group prior to and following the interviews. The same questions will be asked of all candidates.
5. STRICT CONFIDENTIALITY IS REQUIRED.

Members of the interview board will be administrators and the teacher representative. When hiring an administrator, the District will include union representation in the process.

#### SUBSTITUTE PLANS/DAILY SCHEDULE

All teachers will be required to develop lesson plans and procedures in the event a substitute teacher is required. All teaching staff will complete five days of emergency lesson plans and give them to the school office at the beginning of the school year.

#### CURRICULUM

The curriculum established for the courses and grade levels of this district provides the flexibility necessary to meet the individual needs of students and their divergent learning rates and styles. Deviations from established curriculum, textbooks, and instructional materials are not permitted without prior building principal approval. Teachers with questions should contact the building principal.

Though teaching methodology may vary, classroom instruction is expected to reflect “best practices” consistent with research on effective instruction. The District may receive and/or provide remote, offsite, and technology delivered learning programs, as provided in Montana law and set forth in District procedures.

Parents/guardians must be given at least five (5) school days but not more than 14 school days’ notice before any human sexuality instruction or identity instruction is scheduled to occur. A parent/guardian may withdraw or excuse from a class period, assembly, school function, or other instruction at the request of a parent/guardian/other person responsible for human sexuality instruction. Human sexuality instruction is instruction that has the goal or purpose of studying, exploring, or informing students about intimate relationships, sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, abstinence, contraception, or reproductive rights and responsibilities. Such absence is considered to be an excused absence.

Written consent from the parent or legal guardian is required prior to any student attending identity instruction. Identity instruction is instruction that has the goal or purpose of studying, exploring, or informing students about gender identity, gender expression, or sexual orientation. A student is excused from not attending identity instruction unless the student’s parent/guardian provided written consent for the student to be in attendance prior to the instruction.

Parents/guardians may also excuse their child from instruction, presentations, assemblies, guest lectures, or other educational events at the school that offend the parent’s beliefs or practices. Parents/guardians must be directed to the building administrator to discuss such excusal.

### DAILY LESSON PLANS

To ensure proper planning and continuity of instruction, the Board requires that each teacher prepare lesson plans for daily instruction. Lesson plans must be prepared to cover the entire class period. It is essential that lesson plans be available to substitute teachers as well as to the building principal and that they be kept current at all times (with the exception of emergency plans which may be more generic in nature).

### COMMEMORATIVE HOLIDAYS

Teachers shall conduct appropriate exercises during the school day on the following commemorative days as noted in Montana law:

- Lincoln’s Birthday (February 12)
- Washington’s Birthday (February 22)
- Arbor Day (last Friday in April)
- Flag Day (June 14)
- Citizenship Day (September 17)
- American Indian Heritage Day (fourth Friday in September)
- Columbus Day (October 12)
- Pioneer Day (November 1)
- Freedom Week (last full week of September)
- Other days designated by the Legislature or Governor as legal holidays

### REGISTRATION OF STUDENTS

Prior to the opening of the school year, each classroom teacher is provided with a roster of assigned students through the student information system. All students entering Evergreen schools must first register in the appropriate office and then be assigned to classrooms based on recommendations by teachers and final approval of the building principal.

### ATTENDANCE

You are responsible for maintaining accurate attendance records for your class(es). The elementary school and the Flathead Crossroads Program are required to record attendance twice a day using Infinite Campus - at the beginning of the morning session and again when the afternoon session starts. The junior high school is required to record attendance for each class period using Infinite Campus. It is essential that you notify the office of children whom you have listed as being absent but who arrive late. Staff are responsible for changing a late student’s attendance from absent to tardy if the student arrives late to their class. School attendance records must be accurate.

### WITHDRAWALS

Students leaving the Evergreen Schools are required to obtain necessary withdrawal approval from the District Registrar, their teacher and/or the school office as appropriate. Final clearance must be given by the office prior to the release of the students’ records. Classroom teachers are responsible for ensuring the student has turned in District-owned books and equipment prior to withdrawal approval.

### HEALTH RECORDS (MCA, 41-3-20)

Health records are maintained in each school. Teachers must report all student health problems (or suspicion of such) to the office.

## REPORTING TO PARENTS

It is essential that teachers and other school officials maintain good communication with parents. Without this it is very difficult for the school and home to develop the proper focus concerning the child. It is far better for all involved to make the necessary contact with the student and/or parents as soon as a problem is evident rather than waiting for the end of the grading period. The telephone is our first line of communication, and does precede most other forms of direct communication. Notes and emails have their place; however, they cannot usually facilitate the two-way communication we most often desire. Scheduled conferences are very necessary and even mandatory in some areas (Special Education for example). Parent-Teacher conferences are scheduled at the end of the first grading period and in February. Finally, report cards or grade slips are available to parents through the Parent Portal at the end of each grading period (four per year). Please feel free to request assistance from your building principal when you are having difficulty in communicating with parents.

## TESTING

Each year a certain amount of scheduled testing will be conducted. Teachers are responsible for ensuring that testing instructions are rigidly adhered to in order that the test results may be valid. The Montana Aligned to Standards Through Year (MAST) assessments in English/Language Arts and Mathematics are administered to 3<sup>rd</sup> - 8<sup>th</sup> grade students. The Montana Science Assessment (MSA) in Science is administered to 5<sup>th</sup> and 8<sup>th</sup> grade students. aimswebPlus is administered to students in grades EK-8. All other testing is done on an individual or small group basis as referred by teachers or specialists. Kindergarten screening is conducted in the spring and fall.

## PROMOTION/RETENTION/PLACEMENT GUIDELINES (2421)

It is the intent of Evergreen School District #50 to offer appropriate instruction to all students in a progressive, sequential way. The grade placement of each student will be made on an individual basis, understanding that the level of instruction at each grade is not a single level of instruction but rather a series of levels intended to meet the various needs of students assigned to that grade level.

Students will be placed at the grade level that will afford them the most growth academically, socially, and emotionally. Usually this means that a student will advance from one grade to the next. Occasionally, however, it is necessary to retain a student. The decision to retain will be based on the merits of the particular situation and will involve proper parental notification. Every effort will be made to work throughout the year with the student and parents to remediate problems and build upon success.

Criteria for Retention of a Student:

1. Lacks serious deficits in the year prior to retention;
2. Has positive self-esteem and good social skills;
3. Shows signs of difficulty in school because of lack of opportunity for instruction rather than lack of ability;
4. Does not have serious social, emotional, or behavioral needs.

## STUDENT DETENTION BY TEACHERS

Students shall not be held more than five minutes after school when parents have not been notified ahead of time. Normal procedure for detentions lasting more than five minutes shall be for the teacher to notify the parents the day prior to the detention.

## FIELD TRIPS AND EXCURSIONS (2320)

The educational nature of field trips and outdoor activities is recognized by the Board. Teachers are encouraged to make use of such activities when relevant to specific curricular activities and areas of study. Field trips and excursions may be undertaken only as authorized by the building principal and in accordance with the administrative regulations pertaining thereto.

No extended trips or excursions shall be authorized without express Board approval in each instance (the word "extended" in this context includes, but is not limited to, overnight and/or out-of-state).

The presence of a person with a currently valid first aid card is required during school-sponsored activities, including field trips, athletics, and other off-campus events. Staff shall provide student attendance lists to the office along with chaperones present and names of staff who hold current first aid certification attending the field trip.

In arranging field trips, the following procedures will be followed:

### General

1. Students going on field trips shall be counted as present and permitted to make up any regular school work that has been missed. They should not be placed at a disadvantage because of participation in a trip planned by the school.
2. Discretion shall be used by requesting and approving authorities when considering requests for field trips to attend movies and exhibits or conduct nature studies, when the probability is high that the majority of students will or can be expected to take advantage of the experience with their parents or by themselves, or have previously been included in the field trip requested.
3. If school buses are to be used, the proper procedures shall be followed and the deadlines observed in requesting school buses.
4. Schools shall not exceed load limits on school buses used on trips.
5. Adequate travel time must be allowed for the field trip.
6. If a field trip is in reality a tour, all sites visited shall be listed on the teacher request form.
7. The route of travel should be left to the discretion of the driver. If principals or teachers have preferred routes, the preference should be mutually agreed upon at the beginning of the trip.

### Responsibilities of the Teacher

1. The teacher in consultation with the respective building principal is responsible for determining which field trips are beneficial and have educational value for their pupils.
2. The teacher is responsible for submitting a general plan to the principal for review and approval.
3. Upon approval of the trip, the teacher is responsible for notifying parents in writing of the plans. In the event that parents do not want their child(ren) to participate, they must notify the appropriate school or it will be assumed that the child has permission to participate. Parent permission forms will be required each semester for planned field trips.
4. The teacher is responsible for providing the administration and parents with additional information such as: chaperone arrangements, overnight accommodations, and a detailed itinerary when a field trip will extend beyond the day.
5. The teacher is responsible to ensure that each chaperone has a written copy of the Chaperone Responsibilities prior to the field trip/activity and that Chaperones are seated in multiple locations throughout the bus.
6. The teacher is responsible for notifying the principal by telephone, immediately, in the event of an accident.
7. The teacher is responsible for notifying the building principal of any situation that will cause a change in plans. Any field trip that is canceled will only be canceled after discussing the potential cancellation with the appropriate principal.
8. The teacher shall ensure that the children keep the bus clean during the field trip.
9. The teacher is responsible for having an accurate written list of names of all persons to be transported.
10. The teacher is responsible for deportment and discipline of the pupils for the duration of the trip.
11. The teacher is responsible for notifying the school principal before returning if a pupil is missing.
12. The teacher is responsible for complying with the time schedule as stated on request form.

### MINORS ATTENDING FIELD/ATHLETIC TRIPS AS NON-PARTICIPANTS

Only students currently enrolled in the Evergreen School District and actively participating in school-sponsored field/athletic trips shall be transported in school vehicles.

Minor children of coaches and chaperones who are not currently enrolled in the Evergreen School District and/or not actively involved in school-sponsored field/athletic trips shall not be allowed to travel in school vehicles.

Only those personnel designated as chaperones or coaches shall be permitted to travel using District provided transportation. In limited cases where chaperones drive their own cars to a school-sponsored location, no other District student, other than the chaperone's own child, may ride with the chaperone if District-owned transportation is available.

### ASSOCIATED CURRICULUM DUTY PAY GUIDELINES

#### Statement of Philosophy

Teachers have and continue to accept the philosophy that many additional hours of effort are put into their jobs beyond the regular school hours. The policy noted below should never be construed to imply that teachers do not adhere to such tenants. Staff meetings, curriculum sessions, and other day-to-day activities before and after school will continue to be held without additional compensation. In examples when the District finds it necessary to provide the staff with extensive additional training to implement adopted curriculum, and such training cannot take place during the regular school day, it is the duty and obligation of the school to compensate the staff for such required training.

#### Required Inservice

It shall be the policy of the District to compensate certified staff members for inservice training required by the District whenever such training takes place after 6:00 p.m. or before 6:00 a.m. on any contracted day. Compensation shall be based upon the individual's contracted daily salary amount on an hourly basis.

The District shall also be responsible for mileage, meals, lodging and associated fees when inservice training is taken under the conditions noted above. It shall not be the practice of the District to pay for college credit when offered as an optional basis and not part of the regular registration fee. In cases where the credit is part of the registration fee, the District will normally pay for such credit.

#### Optional Inservice

In examples where a staff member requests consideration for participation in an inservice training program not at the request of the District, supplemental compensation will not be granted. Travel expenses, lodging, registration fees etc. may or may not be funded by the District. The key difference between District required funding and optional funding is when the District is requiring the staff members participating and such participation is not optional on the individual's part.

### NOON DUTY COMPENSATION

Those certified staff members who supervise students during the lunch period will be compensated at a prorated amount equal to their regular hourly rate, based on an eight (8) hour work day. Such action should not be construed to limit the Board's ability to employ classified personnel for noon supervision.

### VOLUNTEERS

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer 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 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.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. Volunteers who have unsupervised access to children are subject to the District’s policy mandating background checks.

## **THIS SECTION IS FOR CLASSIFIED STAFF ONLY**

### **MASTER AGREEMENT**

A copy of the current Master Agreement has been distributed to you. Please familiarize yourself with the provisions of the Agreement and the provisions which are found in this handbook as well.

### **USE OF PERSONAL AND/OR VACATION LEAVE**

Use of such leave during the first five teacher contracted days or during the last twenty pupil instruction days of the year may be granted only at the Superintendent's sole discretion and on a case-by-case basis.

### **PAYMENT OF EMPLOYER CONTRIBUTION AND INTEREST ON PREVIOUS SERVICE**

A Public Employees Retirement System (PERS) member may purchase (1) all or a portion of member's employment with an employer prior to the time the employer entered into a contract for PERS coverage and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with the PERS Board to purchase all or a portion of the employment for service credit and membership service. The application must include salary information certified by the member's employer or former employer.

The District has the option to pay, or not to pay, the employer's contributions due to previous service and the option to pay, or not to pay, the outstanding interest due on the employer's contributions for previous service.

It is the policy of this District not to pay the employer's contributions due on previous service.

It is also the policy of this District to not pay the outstanding interest due on the employer's interest due on the employer's contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of the District.

### **PAYROLL - TIMECLOCK**

Classified personnel are paid once per month. Payroll checks will be distributed on or before the tenth (10<sup>th</sup>) day of the following month.

Classified personnel record their time worked on a computerized time clock system. Classified employees clock in when they arrive for their scheduled job, clock out and back in for unpaid lunch periods, and clock out at the end of the day. Failure to clock in or clock out is a "missed punch" by the system. Missed punches must be reported to the employee's supervisor before the employee can clock in (or out) again. Time worked should not differ from the budgeted hours each employee is scheduled to work. Working over budgeted hours (even if budgeted hours are less than 40 hours per week) and/or working overtime must be approved by a supervisor in advance.

Note: Leave for professional development will continue to require that those personnel seeking such leave make proper application to their administrators stating the benefits of such leave to the District.

### **FALL PAYROLL ADVANCE**

Classified staff may receive a payroll advance on the first day students arrive for school. A form will be provided during fall orientation and must be returned to the business office in order for the employee to receive the advance. The amount of the advance available is one-quarter of the hours worked in May, up to \$500.00. This advance will be deducted from the October payroll.

### **DISCIPLINARY ACTION (5255)**

District employees who fail to fulfill their job responsibilities or follow the directions of their supervisors or who conduct themselves on or off the job in ways that impact 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, reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District's operation, or other legitimate business reasons.

Discipline shall be appropriate to the circumstance and shall include, but is not limited to, the supervisor's right to reprimand and the Superintendent's right to suspend or impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board of Trustees may terminate or non-renew an employee.

The superintendent is authorized to immediately suspend a staff member.



## **THIS SECTION IS FOR NON-BARGAINING CLASSIFIED STAFF ONLY**

### **NOTIFICATION OF EXISTING VACANCIES (5213)**

The District will provide notice of all vacancies through posting during the school year. During the summer months, the District will provide notice of vacancies to those employees who notified the superintendent, prior to summer break, of their desire to be notified (notification will be mailed to the employee's last known address). The application of all qualified internal applicants will be reviewed prior to advertising externally unless the District needs to fill the position quickly.

### **PAYMENT OF EMPLOYER CONTRIBUTION AND INTEREST ON PREVIOUS SERVICE**

A Public Employees Retirement System (PERS) member may purchase (1) all or a portion of member's employment with an employer prior to the time the employer entered into a contract for PERS coverage and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with PERS Board to purchase all or a portion of the employment for service credit and membership service. The application must include salary information certified by the member's employer or former employer.

The District has the option to pay, or not to pay, the employer's contributions due to previous service and the option to pay, or not to pay, the outstanding interest due on the employer's contributions for previous service.

It is the policy of this District not to pay the employer's contributions due on previous service.

It is also the policy of this District to not pay the outstanding interest due on the employer's interest due on the employer's contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of the District.

### **DISCIPLINARY ACTION (5255)**

District employees who fail to fulfill their job responsibilities or follow the directions of their supervisors or who conduct themselves on or off the job in ways that impact 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, reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of jury the District's operation, or other legitimate business reasons.

Discipline shall be appropriate to the circumstance and shall include, but is not limited to, the supervisor's right to reprimand and the superintendent's right to suspend or impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board of Trustees may terminate or non-renew an employee.

The superintendent is authorized to immediately suspend a staff member.

### **CIVIC DUTY LEAVE (JURY DUTY) (5321)**

Leaves for service, either on a jury or in the Legislature, will be granted in accordance with state and federal law. An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

### **PERSONAL LEAVE (5321)**

Classified personnel are granted two (2) leave days with pay annually which may be utilized for personal reasons. Use of such leave during the first five teacher contracted days or during the last twenty pupil instruction days of the year may be granted only at the superintendent's sole discretion and on a case-by-case basis. All classified staff shall request Personal Days (1) through their supervisor and, if approved, (2) through the time clock system at least five working days prior to the anticipated use of personal leave. Employees should be aware that in the event a substitute cannot be found or the requested date(s) place an undue hardship upon the District, the request may be denied. Personal Leave is non-accumulative.

Personal Leave can only be taken in one-half day or full-day increments. For the purposes of this policy, a "day" shall be defined as the number of hours an employee normally works in a complete shift, regardless of the number of individual assignments; i.e. an employee who normally works a six-hour day would be eligible for 12 hours of Personal Leave to be taken in:

- Four three-hour increments,
- Two three-hour increments and one six-hour increment, or
- Two six-hour increments

Personnel hired during the summer or the first quarter of the school year shall be entitled to two Personal Days. Personnel hired during the second quarter shall be entitled to one Personal Day. No Personal Days will be granted to those employed after the second school quarter.

Classified personnel shall be paid for all unused Personal Days at the end of each school year at the staff member's substitute hourly rate (the Base hourly pay on the Classified Salary Schedule). If the contract is breached or year of service is not completed, there will be no payout of personal days.

The use of Personal Leave for classified personnel shall be limited to no more than two (2) persons per day in each building location. In the event of an emergency, the building administrator may make an exception to the limitation.

Personal leave pay will be based on the hours budgeted for each employee and the time of year. It is the responsibility of each supervisor to notify the district clerk, in writing, when hours are changed. Personal Leave will be calculated in the same manner as noted under Paid Holidays, and should be reflected as such on the timesheet.

#### SICK LEAVE (5321)

Employees of the District are entitled to sick leave benefits as follows:

1. Eligible employees must be continuously employed for ninety (90) days before utilizing any sick leave entitlements.
2. Employee is credited with one (1) day of sick leave for each full month worked from date of employment.
3. Permanent part-time employee sick benefits are prorated.
4. Full-time seasonal and temporary employees are entitled to sick leave benefits provided they have worked the qualifying period.
5. An employee terminating employment is entitled to a lump sum payment equal to one-fourth of an amount accrued as sick leave benefits computed on the basis of the employee's wages or salary at the time of termination.
6. Abuse of sick leave is cause for dismissal and forfeiture of the lump sum provided under this Policy.

If the absence is an unexpected sick leave, the staff member should enter the absence in the time clock system on the first day returning to work.

#### SICK LEAVE BANK

Effective 7-1-01, employees new to the District can participate in the Classified Sick Leave Bank after being continuously employed for ninety (90) days.

The purpose of the Bank is to assist classified employees in the event of the illness or accident of the employee or a member of the employee's immediate family (immediate family is defined as the employee's spouse, child, father, mother, brother, sister, grandparent or grandchild, or a relative of the employee's spouse in like degree).

Upon hire, employees will be given the opportunity to join the Sick Leave Bank. An employee who declines membership at this time will not be allowed to join the bank in the future. The decision to decline membership is irrevocable.

By law, employees must be continuously employed for ninety (90) days before utilizing any Sick Leave entitlements, including the Sick Leave Bank. At the end of the ninety days, the employee will have accrued three (3) days of Sick Leave. Should the employee elect to join the Sick Leave Bank, one of those days will be deducted from the employee's leave record and contributed to the Sick Leave Bank. Following this leave posting, the employee will have access to use hours in the Sick Leave Bank. Once leave is contributed to the bank it no longer belongs to the individual employee and said leave will only be returned to the employee under the circumstances outlined in condition 6 noted below.

In ensuing school years employees who are members of the sick leave bank must donate ½ day of sick leave annually (at the beginning of the school year) to remain members of the bank and have access to available hours. Should an employee discontinue membership in the bank they will not be allowed to rejoin the bank in the future.

#### Requirements to Use the Bank

1. The employee requesting Bank hours must have used all his/her accumulated sick leave, vacation leave and personal days.
2. The Bank hours must be needed for:
  - a. Illness (self or immediate family member),
  - b. Accident (self or immediate family member).

#### How to Use the Bank

1. The employee needing to borrow hours from the sick leave bank must request leave through their supervisor. A written statement from a doctor stating the need for leave is REQUIRED. Requests will be considered on a case-by-case basis and may be denied, subject to appeal to the school board of trustees, in the event the building principal, department head and/or district superintendent believe the circumstances lack merit or there is a pattern of abuse or overuse of the Bank.
2. The employee may borrow a minimum of five (5) days and a maximum of twenty (20) days of leave from the sick leave bank.
3. The employee will present the request to the building principal/department head and the Superintendent. When approved, the

- request is given to the Clerk. The Clerk transfers hours from the sick leave bank to the employee's leave record.
4. Sick leave and vacation leave are not accrued while using hours from the sick leave bank.
  5. In the event an employee has borrowed leave from the sick leave bank and does not return to work, any termination pay would not include pay for sick leave bank hours.
  6. In the event the sick leave bank is eliminated, hours remaining in the sick leave bank will be divided equally and returned to participating employees at the time of the dissolution.
  7. Upon termination of employment a participating employee may donate all or a portion of their accumulated sick leave to the Sick Leave Bank.

#### FAMILY ILLNESS OR FAMILY DEATH

Classified personnel may utilize up to ten (10) days of their accumulated sick leave for the illness/death of an immediate family member each year. 'Immediate family' shall be defined to include the employee's spouse, child, father, mother, brother, sister, grandparent or grandchild, or relative of the employee's spouse in like degree. If additional time is necessary due to illness, a doctor's statement will be required.

#### EMPLOYMENT CONTRACTS

All Classified employees hired after August, 1999, shall be employed under a contract approved by the Board of Trustees.

#### CLASSIFIED STATUS DEFINITIONS

"Permanent Employee" designation refers to an employee assigned to a full or part-time position that is normally required for the operation of the schools on a continuing basis, and is provided for in the annual budgets of the District.

"Full-time Employee" designation refers to an employee who normally works 40 hours per week.

"Part-time Employee" designation refers to an employee who works less than 40 hours per week.

"Temporary Employee" designation refers to a full or part-time employee hired to work for a specific period of time not to exceed 9 months.

"Seasonal Employee" designation refers to a full or part-time employee for which the District has a permanent need, but which is interrupted by the seasonal nature of the assignment.

"Vacation Leave" is earned leave of absence with pay taken at the request of the employee and at the concurrence and convenience of the District.

"Sick Leave" is leave of absence with pay for a sickness suffered by an employee or his immediate family.

"Continuous Employment" designates working for the District without a break in service of more than 5 working days, or without a continuous absence without pay of more than 15 working days.

"Break in Service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

#### PAYROLL TIMECLOCK

Classified personnel are paid once per month. Payroll checks will be distributed on or before the tenth (10<sup>th</sup>) day of the following month.

Classified personnel record their time worked on a computerized time clock system. Classified employees clock in when they arrive for their scheduled job, clock out and back in for unpaid lunch periods, and clock out at the end of the day. Failure to clock in or clock out is a "missed punch" by the system. Missed punches must be reported to the employee's supervisor before the employee can clock in (or out) again. Time worked should not differ from the budgeted hours each employee is scheduled to work. Working over budgeted hours (even if budgeted hours are less than 40 hours per week) and/or working overtime must be approved by a supervisor in advance.

Note: Leave for professional development will continue to require that those personnel seeking such leave make proper application to their administrators stating the benefits of such leave to the District.

#### INSURANCE/FLEXIBLE SPENDING ACCOUNT (5331)

District Classified personnel working 80 hours or more per month are eligible to participate in the District health insurance or FSA under the following guidelines:

1. Less than Full-Time Employees (less than six hours per day)  
The District will provide a monthly payment equal to one-half (1/2) of the **amount contributed for a full time classified employee**, individual group health insurance premium provided that 80-119 hours are worked each month.
2. Full-time Employees (six or more hours per day)

The District will provide a monthly contribution, to be set annually by the Board of Trustees, for the individual group health insurance premium provided that a minimum of 120 hours are worked each month.

3. School Holidays

Employees shall not be penalized for total hours not worked due to holidays and those days when students are not in attendance during the school year. leave

4. Dependent Coverage:

Dependents of classified employees are eligible for insurance coverage upon payment of the required current premium for dependent coverage.

Classified Health Insurance Plan (5331)

Classified personnel working eighty (80) hours or more per month are eligible to participate in the District health insurance plan, under the following guidelines:

Less than full-time employees (less than six (6) hours per day): The District will provide, at minimum, a monthly payment equal to one-half (1/2) of the current District certified contribution for the single group health insurance premium, provided that eighty (80) to one hundred nineteen (119) hours are worked each month.

Full-time employees (six (6) or more hours per day): The District will provide, at minimum, a monthly payment equal to the current District certified contribution for the single group health insurance premium, provided that a minimum of one hundred twenty (120) hours are worked each month.

School holidays: Employees will not be penalized for total hours not worked due to holidays and those days students are not in attendance during the school year.

Dependent coverage: Dependents of classified employees are eligible for insurance coverage upon payment of the required current premium for dependent coverage.

PAID HOLIDAYS (5333)

All permanent classified employees are entitled to the following paid holidays provided they are in a pay status on their last regularly scheduled working day immediately before the holiday and on their first regularly scheduled working day immediately following the holiday. Holiday pay for part-time employees cannot exceed their normal daily wage. Seasonal employees are entitled to regular holiday pay under the same terms and conditions as permanent employees, providing the holiday falls within their term of employment. Note - Preschool orientation and training sessions are not considered to be "regularly scheduled working days."

12-Month (Permanent) Employees: Holidays and personal leave hours will be based on the number of hours you would normally be scheduled to work during the time of year you request such leave. For example, employees who are working a 40-hour week in the summer months would receive eight hours in holiday or personal leave pay. If the employee works a six-hour custodial shift during the school year, six hours will be "charged" to custodial time for the holiday or personal leave day. Time sheets should reflect the scenarios explained above.

All Other Employees: Temporary and seasonal employees will be given information at the beginning of each school year relative to this issue. The hours the employee is budgeted to work on a daily basis must be used when claiming holiday pay or pay for personal leave.

Independence Day  
Labor Day

Thanksgiving Day (2 days)  
Christmas Day (2 days)

New Year's Day (2 days)  
Memorial Day

Note - If these holidays fall on a Saturday or Sunday, the preceding Friday or following Monday will be designated as a holiday (the District Superintendent will determine the designated day/date). The superintendent shall also determine the date of the "extra" day for Thanksgiving, Christmas, and New Year's Day.

Holiday pay will be based on the hours budgeted for each employee. It is the responsibility of each supervisor to notify the district clerk, in writing, when hours are changed.

VACATION

Classified personnel are entitled to vacation under the following criteria:

1. Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits shall be credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.
2. Seasonal employees shall earn vacation credits. However, such persons must be employed six (6) qualifying months before they may use the vacation credits. In order to qualify, such employees must immediately report back for work when operations resume in order to avoid a break of service.
3. Permanent, part-time employees are entitled to prorated vacation benefits if they have met the six (6) months qualifying period.
4. Temporary employees do not earn vacation credits.

5. All qualified employees shall be credited with one (1) day of vacation for every 138 hours worked if years of employment do not exceed 10 years; 115 hours worked if years of employment number 10 through 15 years; 99 hours worked if years of employment number 15 through 20 years; and 87 hours worked for continued employment in excess of 20 years.
6. Vacation leave may be taken on a regular work day. All classified staff shall request Vacation Days (1) through their supervisor and, if approved, (2) through the time clock system at least five working days prior to the anticipated use of vacation leave. Employees should be aware that in the event a substitute cannot be found or the requested date(s) place an undue hardship upon the District, the request may be denied.
7. Use of such vacation leave during the first five teacher contracted days or during the last twenty pupil instruction days of the year may be granted only at the Superintendent's sole discretion and on a case-by-case basis. Notification for the use of vacation leave must be submitted to the Superintendent or his/her authorized representative in advance of the leave.
8. If the employee so requests, the District will agree to extend the work period of the employee as follows for the purpose of allowing the employee to schedule paid vacation time:  
Classified staff who work less than twelve months will be allowed to use accrued vacation time on days during the school year when school is not in session. These days would include: PIR days, days during Thanksgiving and Christmas vacation that are not paid as a holiday, spring break, and any other day(s) that school is not in session during the school year. Employees will not be allowed to work these days. However, the employee can be paid for these days by requesting vacation leave in advance as per District procedures.  
Montana State Law limits the number of vacation hours that may be accrued. "Annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year."  
If a staff member chooses not to use accrued vacation time for the days listed above and they exceed the maximum, the excess leave will be forfeited as the District has provided the opportunity for leave to be used. Excess vacation time is not forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess was accrued.
9. When a pupil instruction day is postponed due to inclement weather employees may take vacation leave for that time that otherwise would have been paid. (The appropriate paperwork must be submitted for the leave to be approved).

#### VACATION BUY-OUT

Classified employees may choose to have their accrued vacation leave paid to them at the end of each school year. Conditions:

1. Payments for excess vacation time will be honored only if funds are available. If partial funding is available, the monies will be distributed equally among all employees submitting a request.
2. Written notice of intent to exercise this option must be submitted to the Director of Business on or before May 1.
3. Payments will be made during the last week in June.

#### OVERTIME PAY (5336)

Occasionally, it may be necessary to have a classified person work more than 40 hours in a given work week. This results in overtime pay of 1-1/2 times the normal hourly rate. No overtime is authorized for any classified employee without the specific, advanced written approval of the superintendent except as the superintendent shall otherwise prescribe.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer work time in an assignment similar to his or her regular work without pay. A classified employee who works overtime without authorization may be subject to disciplinary action up to and including termination.

*Exceptions are as follows:*

1. The maintenance supervisor and employees identified as 'building security' when responding to an alarm situation are authorized to work overtime without prior approval in instances in which District property or public safety are at risk.
2. All District employees are authorized to work overtime without prior approval in instances that constitute a threat to public health or safety (life threatening emergencies only).
3. In cases in which the employee works overtime under the exceptions noted, he/she is required to notify the superintendent in writing of the overtime worked as soon as possible.

#### PAYMENT OF INTEREST ON EMPLOYER CONTRIBUTIONS FOR WORKERS COMPENSATION TIME

An employee absent because of an employment-related injury entitling the employee to workers' compensation payments may, upon the employee's return to service, contribute to the retirement system an amount equal to the contributions that would have been made by the employee to the system on the basis of the employee's absence plus regular interest accruing from one (1) year from the date after the employee returns to service to the date the employee contributes for the period of absence.

The District has the option to pay, or not to pay, the interest on the employer's contribution for the period of absence based on salary as calculated. If the employer elects not to pay the interest costs, this amount must be paid by the employee. It is the policy of this District to not pay the interest costs associated with the employer's contribution.

#### FALL PAYROLL ADVANCE

Classified staff may receive a payroll advance on the first day students arrive for school. A form will be provided during fall orientation and must be returned to the business office in order for the employee to receive the advance. The amount of the advance available is one-quarter of the hours worked in May, up to \$500.00. This advance will be deducted from the October payroll.

## PAYROLL DEDUCTIONS

Social Security/Medicare (employee share)  
Public Employees' Retirement (employee share)  
Federal Income Tax - variable  
State Income Tax - variable  
Annuities, Credit Union, Other - upon request  
Hot Lunch - if applicable  
Teacher Retirement System (employee share)  
Health Insurance Premiums (employee share)  
Flex Account Monies (employee share)

## CLASSIFIED EMPLOYEE GRIEVANCE PROCEDURE (1700) (see forms in Administrative Procedure)

### Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those involving challenges to educational material and those governed by a collective bargaining agreement.

The District requires all employees to use this complaint procedure, when the employee believes the Board or its employees or agents have violated the individual's rights under: (1) Montana constitutional, statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this formal complaint procedure and, when a complaint is filed, to address the complaint promptly and equitably.

The superintendent has the authority to contract with an independent investigator at any time during the complaint procedure process. Within fifteen (15) calendar days of the superintendent's receipt of the independent investigator's report and recommendation, the superintendent will respond to the complaint and take such administrative steps as the superintendent deems appropriate and necessary.

A written copy of the District's Uniform Grievance Procedure can be obtained from the Superintendent's office.

### Level 1: Informal

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

### Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an employee may file a signed and dated written complaint stating: (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 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.

When a complaint alleges a violation of Board policy or procedure, the building administrator will investigate and attempt to resolve the complaint, with the exception of a Title IX, harassment, or discrimination complaint which is referred to the Title IX/ Section 504/ADA coordinator, Melissa Hardman. Following the investigation of the complaint the administrator will respond in writing to the complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act and Final Administration Ruling of 2020 on Title IX), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator will turn the complaint over to the District Title IX, ADA/504 nondiscrimination coordinator. The coordinator will coordinate support and implement an investigation and a written report will be filed including a recommendation to the appropriate decision maker with the superintendent as appropriate, within thirty (30) days of the nondiscrimination coordinator's receipt of written complaint. A coordinator may (after consulting with the superintendent or Board if the superintendent is involved) request an outside investigator to conduct the investigation. Within fifteen (15) days of the superintendent's receipt of the coordinator's report and recommendation, the superintendent will respond to the complaint and take such administrative steps as the superintendent deems appropriate and necessary. If the complainant is dissatisfied with the superintendent's decision, he/she may request, in writing, that the Board consider an appeal of the superintendent's decision. (See Level 4.) This request must be submitted in writing to the superintendent, within fifteen (15) days of the superintendent's written response to the complaint, for the transmission to the Board.

If the complainant is dissatisfied with the administrator's decision, he/she may request, in writing, that the superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the superintendent within fifteen (15) school days of the administrator's decision.

### Level 3: Superintendent

If the complainant appeals the administrator's decision provided for in Level 2, the superintendent will review the complaint and the administrator's decision. The superintendent will respond in writing to the appeal, within thirty (30) school days of the superintendent's receipt of the written appeal. In responding to the appeal, the superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3) engage an outside investigator or other District employees to assist with the appeal; and/or (4) take steps appropriate or helpful in resolving the complaint.

If the complainant is dissatisfied with the superintendent's decision, he/she may request, in writing, that the Board consider an appeal of the superintendent's decision. (See Level 4.) This request must be submitted in writing to the superintendent within fifteen (15) school days of the superintendent's written response to the complaint, for the transmission to the Board.

### Level 4: The Board

Upon written appeal, the Board will consider the superintendent's decision in level 2 or 3. Upon receipt of a written request for the appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting; or (2) appoint an appeals panel of not less than three (3) trustees to hear the appeal and make a recommendation to the Board. If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make a written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless the matter falls within the jurisdiction of the County Superintendent of Schools.

### Level 5: County Superintendent

When a matter falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) calendar days of the Board's decision, pursuant to Montana law.

Legal Reference: Department of Education Final Title IX Ruling 2020,  
Title IX of the Education Amendments of 1972 (Civil Rights Act)  
Title II of the Americans with Disabilities Act of 1990  
504 of the Rehabilitation Act of 1973