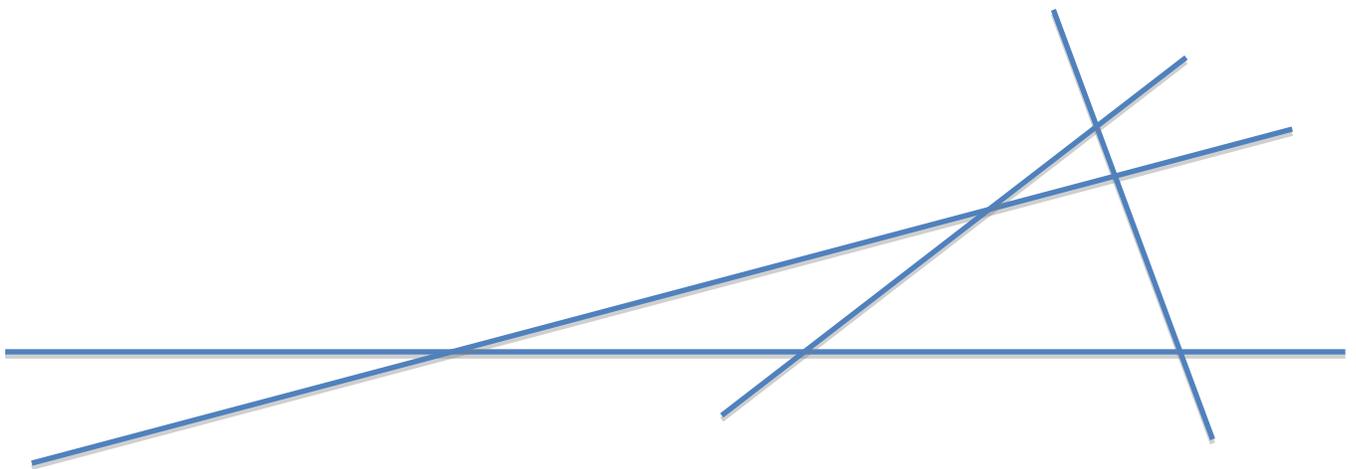


**HAMILTON
SCHOOL
DISTRICT
EMPLOYEE
HANDBOOK**



2020 - 2021

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<p>The District shall take all reasonable and necessary 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 retaliating 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.</p>	
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INTRODUCTION

Welcome to the Hamilton 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 Material contained herein may, therefore, be superseded by such Board policy, administrative regulation, negotiated agreement, or changes in state or federal law.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 Superintendent Tom Korst.

DISTRICT MISSION AND GOALS

Hamilton School District

SCHOOL DISTRICT ORGANIZATION

District Mission and Goals

This policy sets forth the mission and educational goals of the Hamilton School District. It is designed to facilitate prudent long-term planning by the District's Board of Trustees and to help guide the District's faculty and staff in the accomplishment of their duties. In August of each year, the Board will either re-endorse this policy as is or approve a revised version and will ensure that the District's mission, goals, and operating principles are communicated to parents, District employees, and the public at large.

District Mission

Develop productive, well-rounded American citizens who are motivated, self-confident and ready to pursue mastery of their chosen vocations.

District Vision

Promote a culture of educational excellence through an unwavering dedication to the individual development of each child every day, without exception.

Educational Goals

1. Basic Literacy.

Students will graduate with a sound foundation and strong capabilities in reading, writing, and mathematics.

The District will build a sound foundation for literacy during each student's early years and will constantly build upon and reinforce that foundation throughout the student's educational experience.

2. Strategic Thinking and Reasoning.

Students will demonstrate the capacity to solve complex problems by gathering, evaluating, and analyzing information and communicating solutions.

The District will connect learning to the real world through authentic and innovative experiences to increase student engagement, creative thinking, motivation, and investment in their learning.

3. Preparation for American Citizenship.

Students will recognize their roles and responsibilities as active, ethical, and informed American citizens.

The District will provide students, throughout their K-12 experience, an in-depth understanding of the American political, social, and economic systems, as well as the historical context from which they arose.

The District will familiarize students with political, social, and economic systems found elsewhere the world.

4. Readiness for Future Opportunities

Students will develop the skills and aptitudes necessary for college, advanced technical training, or direct entry into the workforce. The District will provide a well-rounded educational experience including a challenging curriculum and varied extra-curricular opportunities

Students will establish post-graduation goals, identify the education and training needed to reach these goals, and understand the potential risks, rewards, and limitations associated with the goals one selects.

The District will provide pathways specifically designed to prepare students for college, advanced technical training, or direct entry into the workforce.

Operating Principles

Hire the best and make them better

The District will recruit, evaluate, retain and continually develop high quality personnel to maximize student achievement.

Enhance and customize learning environments

The District will continue to transform schools into dynamic learning environments supported through emerging technologies, flexible planning and scheduling, repurposed facilities, and community collaboration.

Actively engage the community as an educational partner

The District will cultivate and enhance staff, student, parent, business and community involvement and fully recognize the community as an important partner providing necessary services, resources, and opportunities for our students.

The District will maintain an open environment that promotes dialog both with the community and within the District and will strive to provide the public timely and accurate information on the status of its schools.

Promote community ownership

The District will strive to exercise, preserve, and when appropriate increase our community’s local control over the operation of its schools.

Consistently ensure safe, civil, and productive learning environments

The District will provide a safe learning environment for staff and students.

The District will insist on civil behavior, which does not require conformity or the compromise of one’s principles but does demand that one respects another’s basic human dignity and refrains from abusive conduct.

Confront challenges together

The District expects all members of the team—trustees, administrators, and staff—to share accountability for achieving the District’s goals.

Implementation

Action Plans

The Superintendent will supervise the development of action plans that set forth measurable objectives for meeting the District’s educational goals and strategies for achieving these objectives. A District-level action plan is to be prepared along with supporting plans at the school level. Each plan is to cover at least a three-year period (current school year plus two) and to identify critical resources required to support the plan. In August of each year, these action plans will be presented to the Board for its formal approval.

Multi-year Budgeting

The Superintendent will supervise the preparation of a multi-year budget that supports the District’s action plans. This budget is to cover at least a three-year period (current school year plus two). The General Fund component of the budget is to be subdivided into program areas that facilitate prioritization of funding requirements identified in the action plans. On or before the regular December board meeting, the Superintendent will review the budget with the Board as a whole or with a designated committee of the Board. During these presentations, budget execution for the current year will be discussed, the preliminary budget for the next year will updated, and key funding issues for the “out years” will be identified. The budget for the upcoming school year will be approved by the Board in August.

Annual Report

No later than the first of January of each year, the Board will render a written report to the community that summarizes past performance, the current state of the schools, how well the District is doing at accomplishing its mission, and plans for the future. This report is to be drafted by the Superintendent and approved by the Board prior to its formal release. This report will include performance data, a budget review including spending and revenue, major issues facing the District, major initiatives currently underway or being contemplated, and changes to federal and state requirements.

BOARD OF TRUSTEES 2020-2021

The Legislature of the State of Montana delegates to the Board responsibility for the conduct and governance of district schools. The Trustees for the 2020-2021 school year, as elected by residents of this district, are as follows:

<u>Board of Trustees</u>	<u>Term End</u>
Heidi Apedaile	May 2022
Patrick Hanley, Chair	May 2021
Tim Campbell	May 2021
Drew Blankenbaker. Vice Chair	May 2021
Rebekah Stamp	May 2022
Seth GaleWyrick	May 2023
Jeni Seifert	May 2023

GENERAL TERMS OF EMPLOYMENT

EQUAL OPPORTUNITY EMPLOYMENT

The Board is an Equal Opportunity Employer. The District does not discriminate on the basis of age, color, disability, race, national origin, religion, sex or veteran status, as required by law. 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, contact Superintendent Tom Korst at the District Office. For additional information, please see **Policy 5000**.

HARASSMENT/DISCRIMINATION

The Board intends that employees have a safe and orderly work environment in which to do their jobs. Therefore, the Board does not condone and will not tolerate harassment or bullying of employees, discrimination against employees, or any act prohibited by Board policy that disrupts the work place and/or keeps employees from doing their jobs.

Employees are expected to be civil, respectful, and act in an orderly manner toward one another. Workplace harassment and bullying may be defined as the deliberate, hurtful, repeated mistreatment of an employee, driven by a desire to abuse or control that individual.

Common behaviors include, but are not limited to,:

- Injuring, threatening, harassing or intimidating a staff member, board member or any other person;
- Defamation of character and/or reputation;
- Yelling, shouting, and screaming; hostile glares and other intimidating gestures toward fellow employees;
- Behind-the-back-put-downs, insulting, and unfair criticism;
- Damaging or threatening to damage another's property;
- The deliberate sabotage and undermining of another's work performance;
- Impeding, delaying, or otherwise interfering with the orderly conduct of the district employee program or any other activity occurring on school property;
- Operating a motor vehicle in a risky manner to scare or intimidate;
- Exclusion or social isolation; and
- Other inappropriate behavior that intimidates, offends, degrades or humiliates a co-worker, including occurrences in front of another co-worker, students, parents, contractors or visitors.

Any employee who believes that he or she, or any other employee or student, is being subjected to harassment or discrimination should bring the matter to the attention of the Supervisor and/or Building Principal. The District will investigate any such concerns promptly and confidentially to the extent possible. Complaints will be addressed via the applicable grievance procedure.

No employee will be subject to any form of reprisal or retaliation for having made a good-faith complaint under this policy. For complete information concerning the District's position prohibiting harassment/discrimination, assistance in reporting and responding to alleged incidents, and examples of prohibited behaviors, employees should refer to the District's policies and related procedures. For additional information if an employee believes that he or she has been discriminated against or harassed on the basis of race, creed, religion, color, national origin, age, physical or mental disability, marital status, genetic information, or sex, please see **Policies 5000 and 5005**.

HIRING

All Certified Staff are required to sign a written contract with the District. For further information on hiring, refer to **Policy 5010**.

JOB RESPONSIBILITIES

Upon requests all employees receive a copy of their job description and responsibilities for review. 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 5025**.

CRIMINAL BACKGROUND CHECKS

Any finalist recommended to be employed in a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency before consideration of the recommendation for employment or appointment by the Board. Any subsequent offer of employment or appointment will be contingent on results of the fingerprint criminal background check, which must be acceptable to the Board, in its sole discretion. 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 and/or Board shall keep all

criminal record information confidential as required by law. For additional information, please see **Policy 5015**.

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 5035 and 5090** for additional information.

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.

BENEFITS AND LEAVE

INSURANCE

The Board provides unemployment insurance, workers' compensation and liability insurance for all employees. In addition, the Board provides group health insurance to eligible employees. Certified employees are eligible for insurance benefits as stated in the current master contract. Classified employees who are regularly scheduled to work more than 30 hours per week are eligible for group health benefits contributions. Classified employees who are not regularly scheduled to work more than 30 hours per week are not eligible for group health insurance benefits.

For more information regarding insurance benefits for employees, please see **Policy 5050**.

SALARY DEDUCTIONS

The District makes all payroll deductions required by law or as authorized by the employee.

EXPENSE REIMBURSEMENT

School personnel are reimbursed for travel that is required as part of their duties or for school-related activities approved by the Supervisor. The District will inform staff regarding expense reimbursement guidelines annually. For additional information, please refer to **Policy 7020**.

HOLIDAYS

When a school holiday falls on Sunday, the following Monday will be a holiday. When a school holiday falls on Saturday, the preceding Friday will be a holiday. When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee's annual leave. Please refer to **Policy 5060** for additional information.

LEAVE

Refer to CBA

Civic Duties Leave

Employees shall be granted leave for service on a jury, in the Legislature or in response to a subpoena in accordance with state law. Each employee who is under proper summons as a juror or witness shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror and witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his juror or witness time off against his annual leave, he shall not be required to remit his juror fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court.

Military Leave

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will comply with all federal regulations regarding the employee's return to service following military leave.

Vacation Leave

Administrators will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Classified employees will be granted vacation leave pursuant to Montana law. The

District, in its sole discretion, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

Maternity Leave

The District will provide maternity leave to its employees pursuant to Montana law.

FAMILY AND MEDICAL LEAVE (FMLA)

Eligibility

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, **and** if there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Length/Purpose of Leave

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

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member, who is a current member (or a member on the temporary disability retired list) of the Regular Armed Forces, National Guard, Reserves, or is a veteran who has incurred an injury or illness in the line of duty while on active duty, shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single twelve-(12)-month period.

For additional information, please refer to **Policy 5045**.

PERSONNEL MANAGMENT

EMPLOYMENT AND ASSIGNMENT

Each certificated employee will be employed under a written contract, subject to the terms and conditions of the master contract and District policies. Renewal and non-renewal will be determined by the Board after receiving a recommendation from the Superintendent and in conformance with law.

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject to any provisions contained in the master contract. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year. For additional information, please see **Policy 5025**.

EMPLOYEE DISCIPLINE

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

Discipline will be reasonably appropriate to the circumstance and will include, but not be limited to, a supervisor's right to reprimand an employee and the Superintendent's right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate an employee or non-renew employment. **Policies 5070 and 5075** contain additional information.

EVALUATIONS

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

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed in the staff member's personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the 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 5065**.

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 shall 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.

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.

EMPLOYEE CONDUCT

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 5070.**

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.

Drug-Free/Alcohol-Free Schools

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. For purposes of this regulation, a controlled substance is one that is not legally obtainable, or one that is legally obtainable and not being used as prescribed, or referenced in federal and state controlled substance acts. Any employee who violates the terms of the District's drug-free/alcohol-free policies may be suspended, nonrenewed or terminated. Violations may result in notification of appropriate legal officials. Any employee convicted of a workplace violation of drug abuse statutes must notify the Director of the conviction within five (5) working days. For additional information, please refer to **Policy 5020**.

Weapons

Carrying, bringing, using or possessing any weapon or dangerous instrument in any District building, school building, on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited. Except for authorized law enforcement officials, the District prohibits carrying concealed weapons on District property. Staff members who violate this policy are subject to disciplinary action, including termination.

Dress and Appearance

District employees are required to dress in a professional manner. No mode of attire will be considered proper if it distracts from or is disruptive of the positive learning environment of the school to which the employee is assigned or the District office.

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.

Tobacco Products

The District maintains tobacco free buildings and grounds, as required by Montana law. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, 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. Please see **Policy 4015**.

Use of School Property/Electronic Communication System/Social Networking Pages

Employees may not use any District facility, vehicle, electronic communication system, equipment, or materials to perform outside work. These items (including security codes and electronic records such as e-mail) are District property. Employees may not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy of the information in their e-mail accounts, and should review **Policy 5090** for specific information regarding use of the Internet. Authorized District personnel may monitor the use of electronic equipment from time to time, and violations of **Policy 5090** may result in discipline up to and including termination.

The on-campus and off-campus conduct of employees may impact their ability to function professionally and effectively in the District. Given student and parent interest in and use of electronic media, this is especially true as related to employees' action on electronic social networking websites. Employees may not set up or update their personal electronic social networking websites using the District's computers, network or equipment. Employees who set up personal electronic social networking webpages on their home or personal computers are responsible for the content of their webpages, including but not limited to: content added by employees, their friends or members of the public who can access their webpages; or content that is linked to the employees' webpages.

Employees who set up personal websites or webpages do so at their own risk; however, employees are strongly encouraged to keep their personal webpages private and to prevent students and the parents of students from accessing their personal webpages.

Employees who drive any District-owned vehicle and who receive a traffic citation during the year must report the citation to the Superintendent immediately.

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. For information on a particular District's Safety Plan and Bloodborne Pathogen Control Plan, contact your immediate supervisor or see the particular District's *Policy Manual* and related procedures. **Policy 7060** contains more detailed information regarding these measures.

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.

Child Abuse

A District employee who knows or has reasonable cause to suspect that a student may be an abused or neglected child, regardless of whether the person suspected of causing the abuse or neglect is a parents or other person responsible for the child's welfare, shall report such a case to the Montana Department of Public Health and Human Services and notify the Director and the building administrator that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent or building administrator. Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately 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. In the event that a DPHHS representative shares information with an employee after he or she makes a report, the employee must keep such information confidential.

Please refer to **Policy 5030**.

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 distance, online and technology delivered learning programs, as provided in Montana law and set forth in District procedures.

Gifts and Solicitation

Staff members are to avoid accepting anything of value offered by another for the purpose of influencing his/her professional judgment. No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the school without building principal approval. The solicitation of staff by sales people, other staff, or agents during on-duty hours is prohibited without building principal approval. Any solicitation should be reported at once to the building principal.

Grievances/Communications

District employees shall use the Complaint Procedure to address complaints/concerns about District policies, procedures and directives that cannot be resolved informally. Employees covered by the Master Contract must use the grievance procedure in that contract to address alleged violations of the Contract. **Policy 1085** contains the District's Uniform Grievance Procedure, which applies to all grievances except for those relating to complaints/concerns about sexual discrimination, including sexual harassment, and disability discrimination.

District employees shall use the Title IX Grievance Procedure to address complaints/concerns about sexual discrimination, including sexual harassment.

**HAMILTON SCHOOL DISTRICT
(HSD3)**

NOTICE OF NON-DISCRIMINATION

Hamilton School District does not discriminate on the basis of race, color, national origin, sex, physical or mental handicap or disability, religion, age, or veteran status in its educational programs, activities, admissions, or employment, as required by Title IX of the Educational Amendments of 1972 and its implementing regulations, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable laws and District Policy.

TITLE IX STATEMENT

Pursuant to Title IX and the requirements, therein, for dissemination of this policy, notice is hereby given that Hamilton School District does not discriminate on the basis of sex in its educational programs, activities, admissions, or employment. The District is committed to maintaining an environment that is free from discrimination based on sex, including sexual harassment and sexual violence, and will not tolerate conduct in violation of Title IX.

Please direct inquiries, or complaints regarding Title IX to:

Hamilton School District
Title IX Coordinator:

Wendy Hansmann
Director of Student Services
217 Daly Avenue
Hamilton, MT 59840
(406)363-2280
hansmannw@hsd3.org

The U.S. Department of Education's Office for Civil Rights

or both.

Title IX Grievance Procedure

The Hamilton School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX of the Education Amendments of 1972 Act (Title IX). Title IX prohibits discrimination on the basis of sex in education programs or activities operated by public school districts. Sexual harassment is a form of sex discrimination. The District does not discriminate on the basis of sex in its education programs and activities.

All references to sex discrimination throughout these procedures include gender-based harassment and sexual harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment can occur whenever an individual makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

In the case of a student, denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or in the case of an employee denies or limits the employment, recruitment, consideration, or selection or treatment, or that makes such conduct a condition of the employee's employment status; OR

Has the purpose or effect of:

- substantially interfering with a student's educational environment or employee's work environment;
- creating an intimidating, hostile, or offensive educational or work environment;
- depriving a student of educational aid, benefits, services, or treatment; or depriving an employee of the benefits of or deprives that employee of employment opportunities; or
- making submission to or rejection of such conduct the basis for academic decisions affecting a student or employment decisions affecting an employee.

Sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or is unable to give consent due to an intellectual or other disability. Sexually violent acts include rape, sexual assault, sexual battery, and sexual coercion.

Title IX Coordinator

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

Wendy Hansmann
Director of Student Services

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. 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 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

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 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. Within three (3) days of receipt of any appeal by either party, the Superintendent shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing 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 steps 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 retaliating 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.

District employees shall use the Section 504 [and ADA] Grievance Procedure to address complaints/concerns about disability discrimination.

Section 504 and ADA Grievance Procedure

The Hamilton School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (and its amendments) (ADA). Section 504 and the ADA prohibit the discrimination against individuals on the basis of disability or handicap.

Section 504 and the ADA prohibit a school district from excluding an “otherwise qualified individual with a disability” from participation in, or be denied the benefits of, or be subjected to discrimination on the basis of that disability. Under Section 504 and the ADA, an individual with a disability qualifies for protection under the act if that individual: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. All references to “disability” refer to disability or handicap and encompasses both Section 504 and the ADA.

Section 504 and ADA Coordinator

Inquiries concerning discrimination under Section 504 or the ADA may be referred to the building administrator or:

504 – Wendy Hansmann, Director of Student Services
ADA – Wendy Hansmann, Director of Student Services

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 disability discrimination should file a complaint with the building administrator or the Section 504 and ADA 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.

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

Informal Resolution

An individual alleging disability 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.

Formal Complaints

An individual may make a formal complaint of disability discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute disability 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 disability discrimination has occurred when it has knowledge of allegations of disability 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 disability discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant 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

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 discrimination or harassment when that sanction directly relates to the individual. This may include an order that the perpetrator 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 disability 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 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. Within three (3) days of receipt of any appeal by either party, the Superintendent shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing 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 steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a disability discrimination investigation shall notify the building administrator or

INTERACTION WITH STUDENTS

ADMINISTERING MEDICATIONS TO STUDENTS

Students who must take prescription and/or over-the-counter medication at school, on a temporary or regular basis, must provide a written request to administer medication, signed by the parent. All medications will be kept in locked storage in the [office] unless a student is authorized to carry medication on his/her person during the school day. Parents of students who must carry and self-administer medication must complete the Montana Authorization to Possess or Self-Administer Medication form and return it to the building office.

Please refer to **Policy 3070**.

CLASS INTERRUPTIONS

The District is committed to protecting instructional time. Class interruptions of any kind 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.

CORPORAL PUNISHMENT

The use of corporal punishment in any form is strictly prohibited by the district. Corporal punishment is defined as the willful infliction of, or willfully causing the infliction of, physical pain.

A staff member is authorized to employ physical force when, in his/her professional judgment, the physical force is necessary to prevent a student from harming himself/herself, others, or doing harm to district property.

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.

FIELD TRIPS AND SPECIAL EVENTS

Field trips and other student activities involving travel may be authorized by the [building principal], when such trips or activities contribute to the achievement of desirable educational goals.

Requests should be submitted to the building principal well in advance of the proposed activity. All such requests will be considered, based on such factors as availability of funds, the educational value derived, the safety and welfare of the students involved, impact on the regular school program, and availability of appropriate supervision, either from within school staff or from volunteers.

Staff members should contact the office for appropriate substitute and vehicle arrangements and related field trip procedures and forms.

Any out-of-state or out-of-the-country travel or field trips that extend overnight must be approved by the Board.

For additional information, please refer to **Policy 2075**.

GRADING

The evaluation of student progress is a primary responsibility of all teachers. The highest possible level of student achievement is a common goal of both the district and the home. As a close working relationship between the district and the home is essential to the accomplishment of this goal, regular communications with parents is essential.

Teachers should use a variety of communication devices, including telephone and personal conferences as well as written grade reports, to keep parents well informed. At the beginning of the grading period, students and parents are to be informed regarding the basis of the grades and the methods to be used in determining grades.

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.

STUDENT CONDUCT

In addition to adopted Board policies governing student conduct, administrative regulations specifying student-conduct expectations have been established. These rules apply to actions which occur on district property, at any district-sponsored activity regardless of location; or when traveling to or from school for district-sponsored activities. Disregard of these rules constitutes grounds for suspension, expulsion, or other reasonable disciplinary action.

All teachers are expected to review the student conduct rules contained in the Student/Parent Handbook with their students during the first week of the school year.

Student conduct rules unique to individual classrooms may also be developed by teachers. All such rules must be consistent with district policy and local building administrative regulations governing student conduct and discipline. Classroom rules and consequences are to be reviewed with students, posted in classrooms, and made available to parents.

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.

ACKNOWLEDGMENT FORM

I, _____, have received a copy of the Employee Handbook issued by the District, and understand and agree that I am to review this handbook in detail and to consult District policies and procedures and with my supervisor if I have any questions concerning its contents.

I understand:

1. that this Handbook is intended as a general guide to District personnel policies and procedures and that it is not intended to create any sort of contract between the District and any one or all of its employees;
2. that in the event there is a conflict between this Handbook and District policies and procedures, the policies and procedures will control;
3. that the District may modify any or all of these policies and procedures, in whole or in part, at any time, with or without prior notice; and
4. that in the event the District modifies any of the policies or procedures contained in this Handbook, the changes will become binding on me immediately upon issuance of the new policy or procedure by the District.

I understand that as an employee of the District I am required to review and follow the policies and procedures set forth in this Employee Handbook and I agree to do so.

Signature of Employee

Date