

GOALS

5000

The people who comprise the staff of the school are the district's single most important resource in providing a high-quality educational program for the students. The central purpose of the personnel policies for managing this staff is to provide a positive organizational environment which promotes superior performance by all employees. Clear personnel policies, implemented through effective supervision and administration, are necessary to build a positive school climate and create an excellent learning environment in which students can achieve their greatest potential.

The district seeks to employ highly qualified individuals with appropriate skills and specialties that meet the needs of the school. Continuing staff development is encouraged for professional growth and personal development. The board seeks to provide a school of which the community can be proud and that makes responsible use of public resources.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Adopted: May 17, 1999

Revised: August 14, 2006

ACCOMMODATING INDIVIDUALS WITH DISABILITIES

5002

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. Where necessary, the district may provide to persons with disabilities separate or different aids, benefits, or services from, but as effective as, those provided to others.

The district will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

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

The superintendent is designated the Americans with Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

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

An individual with a disability should notify the Superintendent if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

Adopted: May 17, 1999

Revised: August 14, 2006

EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION

5010

Canyon Creek School District No. 4 is committed to equality of employment opportunity. The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories.

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

Inquiries regarding discrimination should be directed to the Superintendent. Specific written complaints should be directed to the Superintendent. A person with a specific written complaint should follow the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.

Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R., Part 1601

Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq., 34 C.F.R., Part 106
Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, et. al., MCA Human Rights Act
§ 49-3-102, MCA What local governmental units affected

Adopted: May 17, 1999

Revised: August 14, 2006

SEXUAL HARASSMENT/SEXUAL INTIMIDATION IN THE WORKPLACE 5012

The District shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

District employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating", "hostile", or "offensive" include, but are not limited to, conduct which has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

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

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

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX coordinator 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.

Cross Reference: 1700 Uniform Complaint Procedure

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

Adopted: May 17, 1999

Revised: August 14, 2006

APPLICABILITY OF PERSONNEL POLICIES

5021

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the district. However, where there is a conflict between the terms of a collective bargaining agreement and the district's policy, the law provides that the terms of the collective bargaining agreement shall prevail for the staff covered by that agreement.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the board to effectively and efficiently manage the district, shall govern.

Adopted: May 17, 1999

Revised:

HIRING PROCESS AND CRITERIA

5120

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The District will hire highly qualified personnel consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans' preference. All applicants must complete a District specified application form to be considered for employment.

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

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

Certification

The District requires its contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. It shall be the responsibility of the teacher to register that certificate with the County Superintendent of Schools within sixty (60) calendar days after the term of service begins.

The personnel office also will retain a copy of each valid certificate of a contracted certified employee in that employee's personnel file.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration
§ 39-29-102, MCA Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
No Child Left Behind Act of 2001 (P.L. 107-110)
37.114.1010, DPHHS Employee of School: Day Care Facility Care Provider

Adopted: August 14, 2006

Revised:

CRIMINAL BACKGROUND INVESTIGATIONS

5122

It is the policy of the board that all employees hired after May 17, 1999, will submit to a background investigation conducted by the appropriate law enforcement agency at the discretion of the district.

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

- A certified teacher seeking full-time employment within the district;
- A certified teacher seeking concurrent part-time employment positions with one or more school districts;
- A classified employee seeking full-time employment within the district;
- A classified employee seeking concurrent part-time employment positions with one or more school districts;
- A volunteer assigned within the district who has unsupervised access to students.
- A substitute teacher

If the 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 shall decide whether the applicant shall be declared eligible for appointment.

Any agency or organization providing contracted services to the district may be required to conduct a criminal background investigation, at their own expense, of employees. The contractor (or agency) will provide a copy of the investigation if requested by the district.

Legal Reference: § 44-5-301, MCA	Dissemination of public criminal justice information
§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
§ 44-5-303, MCA	Dissemination of confidential criminal justice information
ARM 10.57.113	Substitute Teachers
Public Law 105-251,	Volunteers for Children Act

Adopted: May 17, 1999
Revised: August 14, 2006

MEDICAL EXAMINATIONS

5130

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

Physical Examinations

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical, but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. If approved by personnel services, an employee may be allowed a thirty-(30)-day grace period beginning from the date of employment to obtain the required medical examination. The report shall certify the employee's ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-33C, Americans with Disabilities Act of 1990.

Communicable Diseases

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

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding

the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

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

Legal Reference: 29 U.S.C. 794, Section 504 of the Rehabilitation Act
29 CFR, Section 1630.14(c)(1)(2)(3)
42 U.S.C. 12101, et seq. Americans with Disabilities Act
Title 49, Chapter 2, MCA Illegal Discrimination
Title 49, Chapter 4, MCA Rights of Persons with Disabilities
§ 20-10-103(4), MCA School bus driver qualifications
ARM 16.28.1005 Employee of School B Day Care Facility
Care Provider
ARM 37.111.825 Health Supervision and Maintenance

Adopted: May 17, 1999
Revised: November 19, 2007

CLASSIFIED EMPLOYMENT AND ASSIGNMENT

5140

Each classified employee will be employed under a written contract of a specified term, of a beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has satisfied the requisite probationary period of six (6) months.* Should the employee satisfy the probationary period, such employee shall have no expectation of continued employment beyond the current contract term

The District reserves the right to change employment conditions affecting an employee's duties, assignment, supervisor, or grade.

The Board will determine salary and wages for classified personnel.

**By statute the probationary period is six (6) months.*

Legal Reference:

§ 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period

Hunter v. City of Great Falls (2002), 2002 MT 331

Whidden v. Nerison, 294 Mont. 346, 981 P.2d 271 (1999)

Bowden v. The Anaconda Co., 38 St. Rep. 1974 (D.C. Mont. 1981)

Scott v. Eagle Watch Inv., Inc., 251 Mont. 191, 828 P.2d 1346 (1991)

Prout v. Sears, Roebuck & Co., 236 Mont. 152, 722 P.2d 288 (1989)

Adopted: August 14, 2006

Revised: November 16, 2009

ASSIGNMENT, REASSIGNMENT AND TRANSFER

5210

The board of trustees has the right to assign, reassign, and transfer any employee upon recommendation of the superintendent.

Adopted: May 17, 1999

Revised:

SUPERVISION OF CLASSIFIED PERSONNEL

5215

The general and overall supervision of classified personnel shall be the duty of the superintendent. The superintendent is authorized to adopt administrative regulations necessary to provide for impartial treatment of all employees, consistent with good personnel practices.

Adopted: May 17, 1999

Revised:

DEFINITION OF CLASSIFIED PERSONNEL

5220

The term "classified personnel" is defined for the purpose of board policy as those employees of district #4 whose positions of employment do not require professional certification under the provisions of Montana School Law, but who are employed for hourly work. When an employee is retained in both a classified and certified position during the course of a year, the provisions of the classified personnel policies shall apply to the employee's performance of duties in the classified employee's position.

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

1. Full-time: 40 hours per week/52 weeks per year
2. Seasonal full-time: 40 hours per week, but less than twelve months
3. Permanent Part-time: Less than 40 hour week, but does normally work 20 hours or more a week, and works more than six months in any twelve month period.
4. Temporary: Employed on any basis, but duration of employment is indefinite. Generally paid on an hourly rate basis.

Adopted: May 17, 1999

Revised:

EVALUATION OF NON-ADMINISTRATIVE STAFF

5222

A job or position description shall be developed for all ongoing regular positions filled by a classified employee. Staff is expected to perform the duties identified in their job descriptions, plus any additional assigned responsibilities. Evaluation criteria shall be based on the job description of the staff member.

Each employee shall be evaluated a minimum of one time per year. The superintendent shall develop an evaluation plan and submit it to the board for approval by August of each year. The evaluation procedure shall include provisions for:

- Process, criteria, and forms for evaluation of certified staff.
- Process, criteria, and forms for evaluation of classified staff.

The superintendent will provide a copy of the completed evaluation to the employee and will provide opportunity to discuss the evaluation. The original should be signed by the employee and filed with the clerk in the employee's personnel file. If the employee refuses to sign the evaluation, the superintendent should document the refusal on the evaluation form.

Adopted: May 17, 1999

Revised: December 18, 2006

RULES OF CONDUCT

5223

Personal Conduct

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

- A. **Conflict of Interest/Personal Gain** In accordance with § 2-2-104, 2-2-105, and 2-2-125, MCA, an employee should not dispense or utilize any information gained from employment with the school district, accept gifts or benefits, or participate in business enterprises or employment which creates a conflict of interest with the faithful and impartial discharge of the employee's duties. A district employee may, prior to acting in a manner which may impinge on his/her fiduciary duty, disclose the nature of his/her private interest which will create a conflict. Care should be taken to avoid using, or avoid the appearance of using official positions and confidential information for personal advantage or gain.

- B. **Confidentiality** Employees are expected to hold confidential all information deemed to be not for public consumption as determined by state law and board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties or learned as a result of the employee's participation in an executive session of the Board. Discretion should be employed even within the school system's own network of communication.

The Superintendent may set forth specific rules and regulations governing staff conduct on the job.

Legal Reference: § 20-1-201, MCA School officers not to act as agents

Adopted: May 17, 1999

Revised: December 18, 2006

POLITICAL ACTIVITY--STAFF PARTICIPATION

5224

An District employee may seek an elective office provided that the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The district assumes no obligation beyond making such opportunities available.

An employee elected to office is entitled to take a leave of absence without pay in accordance with the provisions of § 2-18-620, MCA.

No person may attempt to coerce, command or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No district employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a district employee to express his personal political views.

Legal Reference:	5 USC 7321, et seq. § 2-18-620, MCA	Hatch Act Mandatory leave of absence for employees holding public office return requirements
	§ 13-35-226, MCA	Unlawful acts of employers and employees

Adopted: May 17, 1999

Revised: December 18, 2006

DRUG-FREE WORKPLACE

5226

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

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District.
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

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

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained; or
- Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

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

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

- Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

District Action Upon Violation of Policy

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

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Adopted: December 18, 2006

Revised:

PERSONNEL RECORDS

5231

The District maintains a complete personnel record for every current and former employee. Each certified and/or licensed employee will have an official copy of his/her transcripts and a current copy of his/her teacher certificate/license on file in the central office.

Personnel files may be examined by the teacher only in the presence of the district clerk or superintendent. Only persons with a legitimate interest in any employee may examine that employee's files. Those with legitimate interest include the superintendent, district clerk, and the employee's immediate supervisor. In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. When specifically authorized by the Board, counsel retained by the Board, or by the employee will have access to a cumulative personnel file.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of the district employees is governed by Policy 4340.

Nothing will be removed from personnel files unless petitioned to the board of trustees for removal.

Cross Reference: 4340 Public Access to District Records

Legal Reference: 10.55.701, ARM Board of Trustees
No Child Left Behind Act of 2001, P.L. 107-334

Adopted: December 18, 2006

Revised:

ABUSED AND NEGLECTED CHILD REPORTING

5232

Canyon Creek School officials, teachers and employees who work during regular school hours will adhere to the following procedures in reporting the abuse or neglect or any of its students.

1. All school officials, school teachers and employees are required to report to the Montana Department of Public Health and Human Services any matter of child abuse or neglect that they know of or have reasonable cause to believe has occurred. The employee reporting the incident is to notify the Superintendent of the report. However, an employee does not discharge the obligation to personally report by notifying the Superintendent.

2. The persons listed above are immune from civil or criminal liability for reporting any incident of child abuse or neglect if reported, unless in bad faith or with malicious purposes.

3. All persons listed above may be civilly liable FOR damages proximately caused by their failure to report or if they prevent another from reporting, an incident of child abuse or neglect and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Legal Reference: § 41-3-201, MCA *Reports*
 § 41-3-202, MCA *Action on reporting*
 § 41-3-203, MCA *Immunity from liability*
 § 41-3-205, MCA *Confidentiality – disclosure exceptions*
 § 41-3-207, MCA *Penalty for failure to report*

Adopted: December 18, 2006
Revised:

RESOLUTION OF STAFF COMPLAINTS/PROBLEM SOLVING

5240

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District's grievance procedure. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. **An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.**

Cross Reference: 1700 Uniform Complaint Procedure

Adopted: December 18, 2006

Revised:

NON-RENEWAL OF EMPLOYMENT/DISMISSAL FROM EMPLOYMENT 5250

The Board, after receiving the recommendations of the Superintendent, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable District policy.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: § 20-4-204, MCA Termination of tenure teacher services
§ 20-4-206, MCA Notification of nontenure teacher reelection -
acceptance - termination.
§ 20-4-207, MCA Dismissal of teacher under contract

Adopted: December 18, 2006

Revised:

RESIGNATIONS

5251

Certified and classified personnel will generally be expected to fulfill the terms of their contract unless there are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so.

The Board authorizes the Superintendent to accept on its behalf resignations from any school district employee. The Superintendent shall provide written acceptance of the resignation, including the date of acceptance, to the employee setting forth the effective date of the resignation.

Once the Superintendent has accepted the resignation it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

Classified employees are expected to give due written notice as stated in the contract in order to permit the District to conduct a search for a suitable replacement.

Legal Reference: Booth v. Argenbright, 225 M 272, 731 P2d 1318, 44 St. Rep. 227 (1987)

Adopted: December 20, 2004

Revised: November 19, 2007

RETIREMENT PROGRAMS FOR EMPLOYEES

5253

All District employees shall participate in retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System in accordance with state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing prior to April 1 of that year **OR** according to terms of the current collective bargaining agreement.

Those employees intending to retire, who are not contractually obligated to complete the school year, should notify the Superintendent as early as possible and no less than sixty (60) days before their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

Legal Reference: Title 19, Chapter 1, MCA Social Security
Title 19, Chapter 3, MCA Public Employees' Retirement System
Title 19, Chapter 20, MCA Teachers' Retirement

Adopted: December 18, 2006
Revised:

PAYMENT OF EMPLOYER CONTRIBUTIONS AND INTEREST ON PREVIOUS SERVICE

5254

Payment of Employer Contributions and Interest on Previous Service

A Public Employees' Retirement System (PERS) member may purchase (1) all or a portion of the 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 on previous service and the option to pay, or not to pay, the outstanding interest due on the employer's contributions for the previous service with the district.

It is the policy of this District to pay the employer's contributions due on previous service.

It is also the policy of this District to pay the outstanding interest due on the employer's contributions for the previous service.

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

Legal Reference: §19-3-505, MCA Purchase of previous employment with employer

Adopted: December 21, 2009

Revised:

DISCIPLINARY ACTION AND DISCHARGE

5255

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 discipline. 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's operation, or other legitimate reasons.

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to the Superintendent's right to reprimand or 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.

The Superintendent is authorized to immediately suspend a staff member.

Legal Reference:	§ 20-3-210, MCA	Controversy appeals and hearings
	§ 20-3-324, MCA	Powers and duties
	§ 20-4-207, MCA	Dismissal of teacher under contract
	§ 39-2-903, MCA	Definitions

Adopted: December 18, 2006

Revised:

REDUCTION IN FORCE

5256

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

The Board will follow the procedure stated in the current collective bargaining agreement when considering a reduction in force. The reduction in certified employees, other than administrators, will generally be accomplished through normal attrition when possible. The Board may terminate certified employees, if normal attrition does not meet the required reduction in force.

The Board will consider performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

Cross Reference: 5250 Nonrenewal of Employment/Dismissal from Employment

Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection - acceptable - termination

Adopted: December 18, 2006

Revised:

LEAVES OF ABSENCE

5321

All certificated personnel leaves are outlined in the Master Agreement.

In the event a teacher must be absent from school, he/she must notify the superintendent before 7:00 a.m. so that a substitute teacher may be hired. Approval procedures for leaves will be according to those outlined in the negotiated agreement.

Certified personnel who are on leave for one semester or less will receive increment credit on the salary schedule for one full year of teaching. Those on leave longer than one semester will receive no credit toward an increment on the salary schedule. The board will give the teacher opportunity to return to the school the following year at the place on the salary schedule that she/he left it, unless she/he has furthered his/her training. In that event, he/she shall be moved horizontally on the salary schedule but will not accrue credit for experience.

SICK LEAVE

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. Part time classified personnel shall accrue sick leave days prorated according to the number of hours worked.

For classified staff, "sick leave" is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee's immediate family. Sick leave refers to the time that an employee is unable to perform job duties because of:

- a physical or mental illness, injury, or disability;
- maternity or pregnancy-related disability or treatment, including a prenatal care, birth, or medical care for the employee or the employee's child;
- parental leave for a permanent employee as provided in 2-18-606, MCA;
- quarantine resulting from exposure to a contagious disease;
- examination or treatment by a licensed health care provider;
- short-term attendance, in an agency's discretion to care for a person (who is not the employee or a member of the employee's immediate family) until other care can reasonably be obtained;
- necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

Unused sick leave may be accumulated on a year-to-year basis. Staff is not entitled to paid sick leave until they have been continuously employed for 90 days. A classified employee who retires may cash out sick leave at a rate of one-fourth (1/4) of their accrued amount. Abuse of sick leave is cause for dismissal and forfeiture of the lump sum payment.

Nothing in this policy guarantees approval of the granting of such leave in any instance.

CIVIC DUTY LEAVE

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

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.

MILITARY LEAVE

The district shall grant paid leave for military training programs as described by Montana law. A leave request shall be submitted with an appropriate copy of orders.

Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy- related leave of absence

Adopted:
Revised: December 18, 2006

SICK LEAVE DONATION---CLASSIFIED EMPLOYEES

5322

The District will approve the amount of time off from regular duties as per current policy. If a classified employee does not have enough leave to cover the needed time off, then the following could happen.

The classified employee, or someone acting for that classified employee, may make a formal request to the District for a specified amount of additional sick leave. The leave will be solicited from classified staff and used for that specific request only. The request may be made in advance of, or during the classified employee's absence. The maximum amount of the request will be 80 hours per occurrence.

A staff member may voluntarily contribute up to 20 hours of their accrued sick leave per occurrence. The donations may be made anonymously if so desired. If donated time exceeds the time requested, only the requested amount will be used. If less time is used than requested, only that amount actually used will be paid out. All donated leaves will be used in proportion to the overall amount pledged. If the donated time falls short of the request, only the amount donated will be paid.

The District will not determine need or amount of the request. The District will only determine the amount available for donation based on the amount of accrued leave on the books as of the last payroll. Those classified employees willing and able to donate will, by the nature of their donation, be the determining agent of the amount the requesting classified employee is to receive.

Adopted: April 21, 2003

Revised:

BREASTFEEDING 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.

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. If possible, the Superintendent will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference: Title 39, Chapter 2, Part 2, MCA

Adopted: November 19, 2007

Revised:

LONG-TERM ILLNESS/TEMPORARY DISABILITY/MATERNITY LEAVE 5329

Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of sick leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required, at the Board's discretion.

Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery there from. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications. Such leave shall not exceed six (6) weeks unless prescribed by a physician.

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

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

Legal Reference: § 49-2-310, MCA Maternity leave - unlawful acts of employers
 § 49-2-311, MCA Reinstatement to job following pregnancy-related leave of absence

Adopted: December 18, 2006
Revised:

INSURANCE BENEFITS FOR EMPLOYEES

5331

Newly hired employees are eligible for insurance benefits offered by the District for the particular bargaining unit to which an employee belongs. Other employees will be offered benefits consistent with the District benefit plan, with exceptions noted below:

1. Classified employees who are employed less than half time (that is, who are regularly scheduled to work less than twenty (20) hours per week) will not be eligible for group health and life insurance and will not be considered to be a member of defined employee insurance benefit groups.
2. Any permanent employee who works half time or more is eligible for group health, irrespective of the unit to which the employee belongs. All medical insurance premiums will be prorated in the amount of the full contract in terms of full-time equivalency multiplied by the District's maximum contribution as prescribed by the applicable collective bargaining agreement or Board policy.

A medical examination at the expense of the employee may be required, if the employee elects to join the District health insurance program after initially refusing coverage during the "open season" (*July). An eligible employee wishing to discontinue or change health insurance coverage must initiate the action by contacting the personnel office and completing appropriate forms.

Anniversary dates of the health insurance policies for the District shall be July 1st through June 30th.

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

Adopted:
Revised: December 18, 2006

HOLIDAYS

5333

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

The holidays required for classified staff, by § 20-1-305, MCA, are:

1. Independence Day
2. Labor Day
3. Thanksgiving Day
4. Christmas Day
5. New Year's Day
6. Memorial Day

When an employee, as defined above, is required to work any of these holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee's regular pay for all time worked on the 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.

Legal Reference: § 20-1-305, MCA School holidays

Adopted:

Revised: December 18, 2006

VACATION

5334

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued vacation leave are paid out as a lump-sum payment to the employee when the season ends (generally in June).

Nothing in this policy guarantees approval for granting specific days as annual vacation leave in any instance. The District will judge each request for vacation in accordance with staffing needs.

Vacation is earned according to the following schedule:

<u>RATE-EARNED SCHEDULE</u>		
<u>Years of Employment</u>	<u>Working Days</u>	<u>Credit per Year</u>
1 day - 10 years	15	(.058)
10 - 15 years	18	(.069)
15 - 20 years	21	(.081)
20 years on	24	(.092)

Maximum Accrual of Vacation Leave

All full-time and part-time employees serving in permanent positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

Lump-Sum Payment Upon Termination

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period.

Legal Reference: § 2-18-611 - § 2-18-617, MCA

Adopted:

Revised: December 18, 2006

**COMPENSATORY TIME AND OVERTIME FOR NON-EXEMPT
CLASSIFIED EMPLOYEES**

5336

Non-exempt classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1 ½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1 ½) times all hours worked in excess of forty (40) hours in any work week.

The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to his or her regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

Adopted: December 18, 2006

Revised: November 16, 2009

WORKERS' COMPENSATION BENEFITS

5337

All employees of the District are covered by workers' compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;
2. Correct or report, as needing correction, a hazardous situation as soon as possible after an emergency situation is stabilized;
3. Report the injury or disabling condition, whether actual or possible, to the Business Manager, within forty-eight (48) hours, on the Employer's First Report of Occupational Injury or Disease; and
4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The Superintendent will notify the Business Manager of the report and will include the immediate supervisor as necessary in completing the required report.

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

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine:

- (1) Whether continuing hazardous conditions exist which need to be eliminated;
- (2) Whether in fact an accident attributable to the District working environment occurred as reported.

The District may require the employee to authorize the employee's physician to release pertinent medical information to the District or to a physician of the District's choice, should an actual claim be filed against the Workers' Compensation Division, which could result in additional fees being levied against the District.

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

Adopted: December 18, 2006

Revised:

SUBSTITUTE EMPLOYMENT

5410

A list of persons qualified to substitute for regular employees shall be kept by the superintendent and approved by the board. She/he will be responsible for contacting a substitute for the employee if the duties of the employee must be performed without interruption.

Adopted:

Revised:

PARAPROFESSIONALS/PARAEDUCATORS

5420

Paraprofessionals/paraeducators, as defined in the appropriate job descriptions, are under the supervision of the Superintendent and a teacher to whom the Superintendent may have delegated responsibility for close direction. The nature of the work accomplished by paraeducators will encompass a variety of tasks that may be inclusive of limited instructional duties.

Paraeducators are employed by the District mainly to assist the teacher. A paraeducator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program, to have:

1. Completed at least two (2) years of study at an institution of higher education;
2. Obtained an Associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

It is the responsibility of the Superintendent and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the paraeducator to assist in reading, writing, and mathematics instruction.

Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Adopted: December 18, 2006

Revised:

VOLUNTEERS

5430

The district recognizes the valuable contribution made to the total school program through the volunteer assistance of parents and other citizens.

A volunteer by law is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of "employee" under appropriate state and federal statutes;
3. May be paid expenses in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

In working with volunteers, district staff shall clearly explain the volunteer's responsibility for supervising students in school, on the playground and on field trips. On field trips both students and volunteers are to be informed of the rules of student behavior and the means by which they are to be held accountable to those rules.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks.

The superintendent shall be responsible for developing and implementing procedures for the utilization of volunteers.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Adopted:

Revised: December 18, 2006

STUDENT TEACHERS/INTERNS

5440

The board encourages cooperation with colleges and universities within the state in the training of student teachers. The district shall accept student teachers from accredited institutions of higher learning with which the district has a cooperative agreement approved by the board.

The board authorizes the superintendent to honor those reasonable rules, regulations, and training guidelines of the teachers training institution. The teacher training institution shall be expected to provide liaison personnel who shall work cooperatively throughout the training process with the superintendent and the supervising teacher.

As a general rule:

- (1) A student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;
- (2) A supervising professional shall be assigned no more than one (1) student teacher/intern per school year;
- (3) The supervising professional shall remain responsible for the class;
- (4) The student teacher shall assume the same conditions of employment as a regular teacher with regard to meeting the health examination requirements, length of school day, supervision of co-curricular activities, staff meetings, and in-service training; and
5. The student teacher shall be subject to the District policy regarding background checks, if the student teacher has unsupervised access to children.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference: §20-4-101(2) and (3), MCA System and definitions of teacher and specialist certification student teacher exception

Adopted:

Revised: December 18, 2006

EMPLOYEE ELECTRONIC MAIL AND ON-LINE SERVICES USAGE

5450

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

Because of the unique nature of e-mail/Internet, and because of the District’s desire to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

- (1) The District e-mail and Internet systems are intended to be used for educational purposes only. Use for informal or personal purposes is permissible within reasonable limits.
- (2) All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them.
- (3) District records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, employees should always ensure that the educational information contained in e-mail/Internet messages is accurate, appropriate, and lawful.
- (6) E-mail/Internet messages by employees may not necessarily reflect the views of the District.
- (7) Abuse of the e-mail or Internet 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.

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

Adopted: December 17, 2001

Revised:

Note: FYI – information to the trustees

(1) Any school district offering a group “health care plan” for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a “health care provider” by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an “educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction.” This transaction occurs when a school nurse submits a claim electronically.

(2) Any personally identifiable health information contained in an “education record” under FERPA is subject to FERPA, not HIPAA.

Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for **electronic health care 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

Susan Zentz has been designated 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 practice.

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. 5510 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 follows as XXXXF or 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 healthcare 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 disciplined, 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 healthcare 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:

Susan Zentz, Business Manager
Canyon Creek School District
3931 Duck Creek Road
Billings, Montana 59101

Adopted: December 18, 2006

Revised:

EMPLOYEE USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES 5630

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 use of such devices, as deemed appropriate by the Superintendent.

District-owned cellular telephones and other devices will be used for authorized District business purposes.

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 are 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 days. When necessary, employees may use their personal cell phones and similar communication devices only during non-instructional time. In no event 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 may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.

Policy History:

Adopted on: December 19, 2011

Reviewed on:

Revised on: