

School Wellness

The Davey Elementary School District is committed to providing a school environment that promotes and protects children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore it is the policy of the Davey Elementary School District to include:

1. Community involvement, including input from parents, students, the school board, educators and the public in the development of the school wellness program.
2. Goals for nutrition education designed to promote student wellness including:
 - a. All students shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors.
 - b. Nutrition education shall be integrated into the curriculum.
 - c. Nutrition information and education shall be offered throughout the school based on the U. X. Dietary Guidelines for Americans.
3. Nutritional guidelines for all foods available at school during the school day with the objective of promoting student health and nutrient-rich meals and snacks including food and beverages used for classroom rewards and fundraising efforts.
4. A plan for measuring implementation of this policy.

Health Enhancement and Physical Activity Opportunities

The District shall offer health enhancement opportunities that include the components of a quality health enhancement program. Health enhancement instruction shall be aligned with the Montana Health Enhancement Content Standards and Benchmarks. All students shall have the opportunity to participate regularly in supervised, organized or unstructured, physical activities, to maintain physical fitness, and to understand the short-and long-term benefits of a physically active and healthy lifestyle.

Maintaining Student Wellness

The School board shall develop and implement procedures consistent with this policy utilizing community involvement before implementation. The School Board shall measure how well this policy is being implemented, managed, and enforced. The teacher shall report to the Board, as requested on the District's programs and efforts to meet the purpose and intent of this policy.

Legal Reference:

PL 108-265

the Child Nutrition and WIC
Reauthorization Act of 2004**Policy History:**

Adopted on: December 5, 2006

Revised on:

Discipline and Appeals

A Classroom Teacher has the authority to hold a pupil to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

No person who is employed or engaged by the School District may inflict or cause to be inflicted corporal punishment on a pupil.

The methods employed in enforcing the rules of the school involve professional judgment. Such judgment should be:

1. Consistent from day to day and student to student.
2. Balanced against the severity of the misconduct.
3. Appropriate to the student's nature and prior behavior.
4. Fair to the student, parent, other students and others, and
5. Effective.

Since these criteria may be in conflict, established procedures must be followed in correcting misbehavior. Appeal procedures have been established in order to provide for an opportunity for every corrective action or punishment to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

In order to develop an environment conducive to learning, the County Superintendent shall confer with certified staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions and punishment that may be employed in the event of rule infractions.

A teacher shall have the authority to exclude a student from his/her classroom for all or any part of the period. Prior to excluding a student, except in emergency circumstances, the teacher shall have attempted one or more corrective actions.

Corrective Actions and Punishment

All students shall submit to the reasonable rules of the District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion. Corrective action and/or punishment for misconduct must reflect good faith effort on the part of the staff.

For the purposes of the District's policies relating to corrective action or punishment:

1. Discipline constitutes corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period, including exclusion from any other type of activity conducted by or for the District. Discipline shall not adversely affect academic grades as long as all required work is performed.
2. Suspension is the removal from school or individual classes for a specific period of time, after which the student has the right to return. The Classroom Teacher has the right to suspend.
3. Suspension for one (1) full day or more requires Classroom Teacher to confer with County Superintendent.
4. Expulsion is the removal from school. Only the Board of Trustees has the authority to expel.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change of placement. On or before a student with a disabling condition accrues ten (10) days of suspension, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.

Before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change in placement. On or before a student with a disabling condition accrues ten (10) days of suspension, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.

Before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that s/he poses a danger to himself/herself or to another student or property, or substantially disrupts his/her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last longer than ten (10) school days. The Special Educational Co-operative shall convene the Child Study Team for reviewing the student's record before the student is readmitted to school and no later than the tenth (10) day of suspension.

No student shall be disciplined, suspended, or expelled in any manner for any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Reason for Disciplinary Action

Disciplinary action may be taken against any student guilty of gross disobedience or misconduct, including but not limited to:

- Using, possessing, distributing, purchasing, or selling tobacco products including alternative nicotine and vapor products as defined in 16-11-302 MCA;
- Using, possessing, distributing, purchasing, or selling alcoholic beverages; Students who are under the influence are not permitted to attend school and are treated as though they had alcohol in their possession;
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs and drug paraphernalia. Students who are under the influence are not permitted to attend school and are treated as though they had drugs in their possession;
- Using, possessing, controlling, or transferring a weapon are in violation of the "Possession of Weapons in a School Building" section of this policy;
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
- Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct;
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property;
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any disruptive activity;
- The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school.

These grounds for disciplinary action apply whenever the student's conduct is reasonably related to school or school activities, but not limited to:

- On, or within sight of, school grounds before, during or after school hours or at any other time when the school is being used by a school group;
- Off school grounds at a school sponsored activity or event, or any activity or event which bears a reasonable relationship to school;
- Traveling to and from school or a school activity, function or event; or
- Anywhere, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include, but are not limited to: loss of privileges, loss of bus privileges, and restitution for damages to school property, detention, suspension, expulsion, and notification to juvenile authorities and/or police.

Weapon-Free Schools

Any person who possesses, controls, carries or stores a weapon in a school building, except as provided below, shall be referred to law enforcement for immediate prosecution. In addition, a parent or guardian of any minor violating this policy shall also be referred for possible prosecution on the grounds of allowing the minor to possess, carry or store a weapon in a school building.

For the purposes of this policy only, the following terms are defined: "school building" shall be defined as all buildings owned or leased by a local school district that are used for instruction or for student activities. "Weapon" shall be defined as any type of firearm, defined as provided in 18 USC 921, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks or brass or other metal knuckles.

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry or store a weapon in a school building shall present this request to the Board in a regular meeting. It is solely within the Board's discretion whether to allow a person to possess, carry, or store a weapon in a school building.

This policy does not apply to law enforcement personnel.

Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, onto school property, except as provided below, shall be expelled for a period of not less than one calendar year unless modified by the Board of Trustees. The Board, however, may modify the expulsion period on a case-by-case basis. The Classroom Teacher shall notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

If a student violating this policy is identified as disabled either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

Any student subject to expulsion shall be entitled to a hearing before the Board in accordance with § 20-5-202, MCA. Nothing in this policy shall prevent the Board from making an alternative placement for a student in lieu of expulsion provided that such placement removes the student from the regular school program.

The District shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to local law enforcement authorities and other governmental agencies as required by law.

Appeal Process for Disciplinary Action

Any parent or student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the Classroom Teacher for the purpose of resolving the grievance. At such conference, the student and parent shall be subject to questioning by the Classroom Teacher and shall be entitled to question staff involved in the matter being grieved.

Legal Reference:	§ U.S.C 1400, et seq.,	Individuals with Disabilities Education Act
	§ U.S.C. 3351 et seq.,	Gun-Free Schools Act
	§ 29 USC 701	Rehabilitation Act of 1973
	§ 20-4-302, MCA	Power of teacher or principal over pupils
	§ 20-5-105, MCA	Attendance officer powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-201, MCA	Duties and sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of weapons in school
	§ 45-5-637, MCA	Possession or consumption of tobacco products, alternative nicotine products or vapor products
	10.16.1105, ARM	Aversive treatment procedures

Policy History:

Adopted on: Dec. 5, 2006

Revised on: January 2016

Tobacco Free

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

Drug and Alcohol Free

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

- Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
- Distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

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

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

As a condition of employment, each employee shall:

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

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

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

District Action Upon Violation of Policy

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

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

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Board of Trustees shall notify the appropriate state or federal agency from which the District receives contract or grant monies of the employees conviction with 10 days after receiving notice of the conviction.

Policy History:

Adopted on: December 5, 2006

Revised on: November 5, 2012

LeavesSick Leave - Policy and Objectives

It is the policy of the Davey Elementary Public Schools to grant its certified and classified employees sick leave benefits in accordance with Section 2-18-618, MCA. Teachers shall be granted nine (9) days of sick leave per year, accumulative up to thirty (30) days in accordance with the provisions of their teaching contracts/Board policy. No termination pay will be paid for accumulation of sick leave upon termination, for teachers. This is by state wage and hour law due to exclusion in accordance with 2-18-601(4), MCA Definitions.

Classified shall earn sick leave at the rate set by wage and hour law. Sick leave can be granted after 90 days, at discretion of the Board. Sick leave for classified, shall be accumulated, with no upper limit, by state wage and hour law, until termination, and then paid at 25%.

Sick leave means a leave of absences with pay for a sickness suffered by an employee or his/her immediate family. Immediate family shall mean the employee's spouse and children residing in the employee's household. Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and the governing contractual agreements. The objectives of this policy are to establish functional uniform procedures for calculating and granting sick leave benefits in accordance with Section 2-18-618, MCA.

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

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

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

Adoption Leave

Up to twenty (20) days of Sick Leave may be granted upon request of an employee for the purpose of adoption, as is prescribed below:

1. Adoption leave shall be charged only to accumulated Sick Leave, and otherwise shall be a leave of absence without pay.
2. An employee shall have no more than a period of 42 calendar days from the time a newly adopted child enters his/her home in which to apply for adoption time; thereafter, the provision of this leave will not be available.
3. In the event that both parents are employees of the district, their combined total adoption leave shall not exceed twenty (20) working days.
4. Any request for adoption leave beyond twenty (20) working days shall be considered parental leave, and in every instance shall be leave without pay. Nothing contained within this policy binds the district to grant adoption or parental leave.

Civic Duties Leave (For Certified Only)

Employees can request pay for absences for Jury Duty or other appearances in court in response to a duly served subpoena, except where the employee is a litigant in the case. The pay for subpoena leave shall be the regular rate of pay for the employee, less any payment received from the court exclusive of reimbursement for travel, meals and lodging.

1. The employee requesting pay must file a copy of the subpoena with the clerk and inform the immediate supervisor prior to the absence. The employee shall keep the supervisor informed of the length of absence.
2. The employee must complete a "Request for Leave" form, prior to the leave if possible.
3. The employee shall turn any checks, less mileage, lodging and per diem into the District Clerk for reimbursement to the school district.

Personal Leave (For Certified Only)

The District may provide up to five (5) days of Personal Leave, to each contracted, full-time certified employee. In the event of part time employees, five pro-rated days shall be provided.

One day shall be at regular salary, unless it extends a school vacation or holiday, and the additional day will result in a deduction in any event from the employee's salary at a rate equal to the current cost of a substitute subject to the following conditions:

1. Any extensions of vacations or holidays by use of contiguous working days shall result in a deduction from the employee's salary at a rate equal to the current cost of a substitute. Should more than one personal leave day be used to extend a vacation or holiday, whether on either end or by use of contiguous working days, there shall be a deduction for both days.
2. In the case of emergencies generated in conjunction with a scheduled School District vacation or holiday precludes the return of a staff member, application for Personal Leave may be made on return. If granted, this day will result in a deduction from the employee's salary at a rate equal to the current cost of a substitute.
3. Personal Leave days will not be granted during the first two nor the last two days of any school semester, nor during any Pupil Instruction Related Day by teachers unless approved by the Board for compelling reasons.
4. Exceptions to this policy may be made during periods of emergency, such as when there is an inadequate supply of substitutes. The Board reserves the right to grant Personal Leave days upon petition for extraordinary or emergency reasons; the granting of Personal Leave in such instances will not constitute a precedent binding upon the District in its administration of Personal Leave policies.
5. Personal Leave is not cumulative.

Extended and/or General Leave Requests (Discretionary)

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

All leave requests must come before the Board for its approval.

Long-Term Illness/Temporary Disability/Maternity Leave

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

Medical certification of the long-term illness or temporary disability may be required at the Board's discretion. Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery there from. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications. Such leave shall not exceed six 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 Board of Trustees shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.

Policy History:

Adopted on: December 5, 2006

Revised on: August 10, 2013

VACATION LEAVE

Annual vacation leave may be accumulated to a total not to exceed two times the maximum number Of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation leave is not forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess was accrued (2-18-617, MCA). The trustees may also pay employees for unused vacation in lieu of accumulation by Board policy at the end of each fiscal year.

Upon termination, an employee is entitled to cash compensation for unused vacation leave (2-18-617, MCA).

Permanent part-time employees are entitled to prorated vacation benefits if they have worked the qualifying period (2-18-611, MCA). Multiply the total number of hours paid excluding overtime hours one of the following appropriate rates:

1 day - 10 yrs
10 yrs - 15 yrs
15 yrs - 20 yrs
20 yrs -

15 days X 8 hr = 120 hrs / 2080 hrs = .058 X Hours Paid
18 days X 8 hr = 144 hrs / 2080 hrs = .069 X Hours Paid
21 days X 8 hr = 168 hrs / 2080 hrs = .081 X Hours Paid
24 days X 8 hr = 192 hrs / 2080 hrs = .092 X Hours Paid

The benefits found in Sections 2-18-611 and 2-18-618, MCA are the minimum and maximum vacation and sick leave benefits and are set forth by state wage and hour law.

Cross Reference: #5328 Family Medical Leave Act

Legal Reference: 42 USC 2000e Equal Employment Opportunities
 § 2-18-601(10), MCA Definitions
 § 2-18-618, MCA Sick Leave
 § 2-18-619, MCA Jury Duty - Service as Witness
 49-2-310, MCA

Maternity leave

§ 49-2-311, MCA Reinstatement to job following pregnancy - related to leave of absence

Policy History:

Adopted on: December 5, 2006

Revised on: February 2, 2009